



**SOUTH DELHI MUNICIPAL CORPORATION**  
**OFFICE OF THE DEPUTY COMMISSIONER**  
**SOUTH ZONE: GREEN PARK**  
**NEW DELHI**

No. D/ 467 /DC/South Zone/SDMC/2022

Date: 17/5/2022

**ORDER**

(Under Bye-Law No. 2.9 – 2.9.1 of Unified Building Bye-Laws-2016 for Revocation of Completion –cum-Occupancy Certificate in respect of Property No. F-80, Green Park Main, New Delhi)

Ref: -

Name of Applicants	(1)Shri Kamal Kulthia (2)Mrs. Vinita Kulthia
Name of Engineer, who sanctioned / issued the completion-cum-occupancy certificate	Shri Abhishek Pandey (Licence No. E/00421)
Name of Structural Engineer	Shri Mohd Anas
Online ID No.	10091748 dated 10.08.2021
Area of Plot	260.12 sq.mts. (As per Common Application Form - 24.970 sq.mts.)

Whereas as per record, the building plans of **Property No. F-80, Green Park Main, New Delhi**, were submitted by the applicants namely (1) **Shri Ramesh Chand Kalra**; and (2) **Shri Murari Meerchandani** with Department in the year 2004, which were sanctioned by the Department vide File No. **351/B/SZ/2004 dated 13.12.2004** for construction of a residential building with area of plot as **260.12 sq.mts.**

Whereas it has been brought to the Notice that the Engineer **Shri Abhishek Pandey** has accorded the completion certificate for a portion of said property at his level, measuring **24.970 sq.mts. (out of total area as 260.12 sq.mts.)** in favour of (1) **Shri Kamal Kulthia**; and (2) **Mrs. Vinita Kulthia**; through online mode vide ID No. **10091748** for residential building, comprising of stilt, basement, ground floor, first floor, second floor and third floor. As per documents uploaded on the online portal, the applicants and Engineer and the Structural Engineer namely **Shri Mohd Anas** (Licence No. SE/0286) had submitted the Declarations and Certificates, thereby undertaking the eligibility of the case. The ownership documents i.e. Sale-Deed dated 13.10.2010 also reflect the area as **311 sq.yds. (260.12 sq.mts.)** and moreover, there is no complete chain of ownership documents.

Whereas as per provisions of Unified Building Bye-Laws-2016 and Master Plan-2021, there are no provisions to issue completion certificate in such a manner i.e. issuance for a part portion out of total property. Therefore, issuance of completion certificate for a small portion i.e. **24.970 sq.mts. (out of total plot area as 260.12 sq.mts.)** by the Engineer is in violation of the provisions of said statutes.

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Whereas the property also remained under litigation before the Hon'ble High Court in Writ Petition No. 6296/2021 titled as "Vikash Chopra Vs South Delhi Municipal Corporation & Ors"; and Appeal No. 345/2021 before the Hon'ble Appellate Tribunal titled as "Vinita Kulthia Vs SDMC" in the matter of unauthorized construction in property under reference. This fact shall remain associated with the instant proceedings.

Whereas the property also stands booked on the ground of unauthorized construction vide File No. 159/UC/B-I/SZ/2021 dated 01.09.2021 (with its past booking vide file No. 120/UC/B/SZ dated 03.08.2005), for action under Section 343/344 of the DMC Act, 1957 and the demolition order stands passed on 23.09.2021. This fact has been concealed by the applicants and the Engineer during processing of issuance of completion certificate.

Whereas **the applicants (1) Shri Kamal Kulthia; (2) Mrs. Vinita Kulthia; and Engineer Shri Abhishek Pandey;** were required to ensure at their level that the case qualifies for issuance of completion certificate in terms of mandatory requirements notified in the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act, 1957. But not complying with the mandatory provisions, completion certificate has been issued by the Engineer and procured by the applicants, with intense anomalies in terms of provisions of the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act-1957 etc., the applicant and Engineer have shown brazen disregard to the aforesaid Statutes. The onus regarding eligibility of the case, with correctness and genuineness of the documents / information / undertakings uploaded by the applicants and Engineer lies with them only.

Whereas as an Engineer, before issuance of completion certificate, **Shri Abhishek Pandey** must be fully aware about past background of the case regarding eligibility of the case for completion certificate, sanction of building plans and well conversant with the mandatory provisions of the aforesaid Statutes. But the Engineer failed to do so in the instant case and issued the completion certificate for one small portion of total built up property in violation of the aforesaid Statutes, in the above manner, thereby granting benefit to the applicant in an illegitimate way. The Engineer, while issuing the completion certificate at his level, has transgressed his assigned / delegated / defined powers in the above manner, thereby granting benefit to the applicants in violation of the laid down provisions and policy.

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 misrepresentation 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 bearing No. D/2957/DC/South Zone/SDMC/2022 dated 31.03.2022 was sent to the (A) applicants (1) Shri Kamal Kulthia; and (2) Mrs. Vinita Kulthia; (B) Engineer Shri Abhishek Pandey; (C) Shri Mohd Anas, to submit their reply on the grounds as contained therein. But no reply from the applicants as well as professionals named above has been received, as reported.

And based on the available documents and records, it has been observed that the completion-cum-occupancy certificate is a valid document issued on behalf of the S.D.M.C., which generally signifies that the building has been constructed in pursuance of sanctioned building plans, adhering to its conditions

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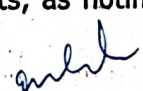


and complying with the mandatory provisions. The factual position mentioned in the show cause notice and as available on record is clearly indicative of the fact regarding unlawful approval and issuance of the completion-cum-occupancy certificate by the Engineer. It has been reported that the following are the major violations committed by the applicants and the Engineer:

1. As per provisions of DMC Act-1957, Building Bye-Laws-2016 and Master Plan-2021, there is no provision to issue completion-cum-occupancy certificate for one small portion out of total area of plot, and such certificate can be issued only for the entire property, whereas said certificate has been issued for part portion out of total property, which is impermissible.
2. The property also stands booked on the ground of unauthorized construction.
3. There are also court cases relating to the property.
4. The factual position mentioned in the show cause notice and as available on record is clearly indicative of the fact regarding unlawful approval and issuance of the completion-cum-occupancy certificate by the Engineer, thereby granting unlawful benefit / relief to the applicants.
5. The Engineer, while granting such certificate, has transgressed his assigned / delegated / delegated powers, in violation of the provisions contained in the aforesaid Statutes in the above manner. This is certainly grave violation of the aforesaid Statutes committed by the applicants and the Engineer.

Whereas from the above facts reported by the Department, it is evident that completion certificate of the above property was obtained by the applicants and issued by the Engineer through online mode by suppression and concealment of material facts and mis-representation in the above manner. Thus, the applicants and the Engineer have hoodwinked the Department to procure the completion certificate by adoption such unfair means and by suppression and concealment of material facts, in violation of the aforesaid provision of Building Bye-Laws-2016, Master Plan-2021 and DMC Act,1957. Therefore, based on the aforesaid entire reported facts and circumstances of the case, the completion-cum-occupancy certificate is liable to be revoked

Now, therefore, I, Dr. Ankita Chakravarty, Deputy Commissioner-South Zone - South Delhi Municipal Corporation, for the above mentioned reasons, hereby revoke the completion-cum-Occupancy Certificate issued in respect of **F-80, Green Park Main, New Delhi through online mode vide ID No. 10091748**, under the bye-law No. 2.9 - Penal Action - 2.9.1 of Unified Building Bye-Laws-2016 (to be read with relevant notifications / bye-laws / amendments, as notified from time to time).

  
(Dr. Ankita Chakravarty)  
I.A.S.  
Deputy Commissioner  
South Zone

Shri Kamal Kulthia  
Mrs. Vinita Kulthia  
F-80 - Second Floor, Green Park Main  
**NEW DELHI**

Shri Abhishek Pandey  
Engineer  
(Licence No. E/2140)  
Mohalla Naveen Nagar  
Mahajanana Jalalabad Shahjahanpur  
**Uttar Pradesh**

Shri Mohd Anas  
Structural Engineer  
(Licence No. SE/0286)  
N-49, Jagat Ram Park  
Laxmi Nagar  
**Delhi - 110 092**

  
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**OFFICE OF THE DEPUTY COMMISSIONER**  
**SOUTH ZONE: GREEN PARK**  
**NEW DELHI**

No. D/ 468 /DC/South Zone/SDMC/2022

Date: 17/5/2022

**ORDER**  
**(Debarring of Engineer)**

{Under Bye-Law No. 2. 9 - 2.9.1 - 2.9.3 of Unified Building Bye-Laws-2016 for Revocation of Completion -cum-Occupancy Certificate in respect of Property No. F-80, Green Park Main, New Delhi

Ref: -

Name of Applicants	(1)Shri Kamal Kulthia (2)Mrs. Vinita Kulthia
Name of Engineer, who sanctioned / issued the completion-cum-occupancy certificate	Shri Abhishek Pandey (Licence No. E/00421)
Name of Structural Engineer	Shri Mohd Anas
Online ID No.	10091748 dated 10.08.2021
Area of Plot	260.12 sq.mts. (As per Common Application Form - 24.970 sq.mts.)

Whereas as per record, the building plans of Property No. F-80, Green Park Main, New Delhi, were submitted by the applicants namely (1) Shri Ramesh Chand Kalra; and (2) Shri Murari Meerchandani with Department in the year 2004, which were sanctioned by the Department vide File No. 351/B/SZ/2004 dated 13.12.2004 for construction of a residential building with area of plot as 260.12 sq.mts.

Whereas it has been brought to the Notice that the Engineer Shri Abhishek Pandey has accorded the completion certificate for a portion of said property at his level, measuring 24.970 sq.mts. (out of total area as 260.12 sq.mts.) in favour of (1) Shri Kamal Kulthia; and (2) Mrs. Vinita Kulthia; through online mode vide ID No. 10091748 for residential building, comprising of stilt, basement, ground floor, first floor, second floor and third floor. As per documents uploaded on the online portal, the applicants and Engineer and the Structural Engineer namely Shri Mohd Anas (Licence No. SE/0286) had submitted the Declarations and Certificates, thereby undertaking the eligibility of the case. The ownership documents i.e. Sale-Deed dated 13.10.2010 also reflect the area as 311 sq.yds. (260.12 sq.mts.) and moreover, there is no complete chain of ownership documents. The onus regarding correctness and genuineness of the documents / information / undertakings uploaded by the applicant and Engineer lies with them only.

Whereas as per provisions of Unified Building Bye-Laws-2016 and Master Plan-2021, there are no provisions to issue completion certificate in such a manner i.e. Issuance for a part portion out of total property. Therefore, Issuance of completion certificate for a small portion i.e. 24.970 sq.mts. (out of total plot area as 260.12 sq.mts.) by the Engineer is in violation of the provisions of said statutes.

Whereas the property also remained under litigation before the Hon'ble High Court in Writ Petition No. 6296/2021 titled as "Vikash Chopra Vs South Delhi Municipal Corporation; and Appeal No. 345/2021 before the Hon'ble Appellate Tribunal titled as "Vinita Kulthia Vs SDMC" in the matter of unauthorized construction in property under reference. This fact shall remain associated with the instant proceedings.

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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 from the above facts reported by the Department, it is evident that completion-cum-occupancy certificate of the above property was obtained by the applicant and issued by the Engineer through online mode by suppression and concealment of material facts and mis-representation in the above manner. Thus, the applicants and the Engineer have hoodwinked the Department to procure the completion certificate by adoption such unfair means and by suppression and concealment of material facts, in violation of the aforesaid provision of Building Bye-Laws-2016, Master Plan-2021 and DMC Act, 1957.

Whereas based on the aforesaid expounded reports, a Show Cause Notice bearing No. D/2957/DC/South Zone/SDMC/2022 dated 31.03.2022 was sent to the (A) applicants (1) Shri Kamal Kulthia; and (2) Mrs. Vinita Kultia; (B) Engineer Shri Abhishek Pandey; (C) Shri Mohd Anas, to submit their reply on the grounds as contained therein.

Whereas no reply from the applicants as well as professionals named above has been received, as reported.

And Whereas so far as Engineer is concerned, the matter has been got examined. It has been reported that:

1. As per provisions of DMC Act-1957, Building Bye-Laws-2016 and Master Plan-2021, there is no provision to issue completion-cum-occupancy certificate for one small portion out of total area of plot, and such certificate can be issued only for the entire property.
2. The Engineer was required to ensure at his level that the case qualifies for issuance of completion-cum-occupancy certificate, in terms of mandatory requirements notified in the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act-1957.
3. The Engineer must be fully aware and well conversant with the mandatory provisions of the aforesaid Statutes as well as past background of the case regarding eligibility of the case for completion certificate, sanction of building plans etc. Before preparing the drawings and going further for issuance of completion certificate, he, at preliminary stage of the case, must know the requirements mandated under the Master Plan-2021 / Unified Building Bye-Laws-2016 / DMC Act, 1957.
4. The Engineer needs to stay updated with regard to regulations and provisions of the Master Plan-2021, Unified Building Bye-Laws-2016, DMC Act, 1957, Zonal Plans and other allied prevalent regulations in terms of mandatory provisions of these Statutes to be read with relevant policy, which are considered to be pivotal preliminary factors for issuance of completion-cum-occupancy certificate before proceeding further.

And whereas so far as completion certificate is concerned, It has been observed that this Certificate is a valid document issued on behalf of the S.D.M.C., which generally signifies that the building has been constructed in pursuance of sanctioned building plans, adhering to its conditions and complying with the mandatory provisions. There is no provision to issue completion-cum-occupancy certificate for one small portion out of total area of plot, and such certificate can be issued only for the entire property, whereas said certificate has been issued for part portion out of total property, which is impermissible. The factual position mentioned in the show cause notice and as available on record is




clearly indicative of the fact regarding unlawful approval and issuance of the completion-cum-occupancy certificate by the Engineer, thereby granting unlawful benefit / relief to the applicants. Thus, by not complying with the mandatory provisions, completion certificate has been issued by the Engineer and procured by the applicants, with intense anomalies in terms of provisions of the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act-1957 etc, the applicant and Engineer have shown brazen disregard to the aforesaid Statutes. Therefore, this is certainly grave violation of the aforesaid Statutes committed by the applicants and the Engineer. The Engineer, while granting such certificate, has trespassed his assigned / delegated / delegated powers, in violation of the provisions contained in the aforesaid Statutes in the above manner.

And Whereas the aforesaid facts envisage that the Engineer has committed the lapses of gross professional mis-conduct on his part in the above manner.

Whereas regarding taking action against the professionals, the bye-law No.2.9 - Penal Action - 2.9.3 of Unified Building Bye-Laws-2016 - Action against the Owner / Professional- mandates that.

- (a) If the sanctioning authority notices that any owner / professional(s) has made false statement(s) or concealed material facts and mis-represented for obtaining building permit in contravention of the extant laws / bye-laws/rules & regulations, the sanctioning authority shall:
- i. De-list the professional(s) from all the sanctioning authorities in Delhi for a specified time period;
  - ii. The building permit shall be revoked;
  - iii. Details of the delisted professional(s) and the time frame for which they have been delisted shall be prominently displayed on the website of all the sanctioning authorities; and Action shall be taken against the owner / allottee / occupier by the sanctioning authority in accordance with the extant laws / bye-laws / rules & regulations.

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 as policy of the Department, the **Engineer Shri Abhishek Pandey** is hereby debarred from signing / submission of building plan applications, application for regularization of properties, Completion Certificate applications as well as Layout Plan Applications with the three Municipal Corporations namely South Delhi Municipal Corporation, North Delhi Municipal Corporation, East Delhi Municipal Corporation for a period of three years.

  
(DR. ANKITA CHAKRAVARTY)  
I.A.S.  
DEPUTY COMMISSIONER  
SOUTH ZONE

Shri Abhishek Pandey  
Engineer  
(Licence No. E/2140)  
Mohalla Naveen Nagar  
Mahajan Lalalabad Shahjahanpur  
**Uttar Pradesh**

Copy to:

1. Chief Town Planner-South DMC, North DMC and East DMC - with the request to endorse a copy of the said Order to the Zonal Town Planning Departments of respective Municipal Corporation.
2. Suptg. Engineer (Bldg)HQ-South DMC, North DMC and East DMC - with the request to endorse a copy of the said Order to all Zonal Building Departments of respective Municipal Corporation for taking further necessary action.
3. AO - IT Department - for necessary action regarding uploading the Order in the instant case on the website.

  
Deputy Commissioner  
South Zone

  
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