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

No. D/2571/DC/South Zone/SDMC/2022 Date: 10/10/2022

ORDER
(Debarring of Architect)

{ Under Bye-Law No. 2.9 – 2.9.1 – 2.9.3 of Unified Building Bye-Laws-2016 for Revocation of Occupancy–cum-Completion Certificate issued by the Architect namely Shri Tarun Kumar Paul – (Licence No. CA/2020/123665) at his level in respect of Properties given hereinunder}

Whereas it has been reported that the **building plans and occupancy-cum-completion certificate in respect of properties situated in Unauthorised Colonies cannot be considered / sanctioned and by the Department or the Architect / allied Professionals** as the regulations / Development Control Norms notified in the Master Plan-2021 and Unified Building Bye-Laws are not applicable for such colonies and there is no policy for sanction of building plans or issuance of Occupancy-cum-Completion Certificates in Unauthorised Colonies.

Whereas Occupancy-cum-Completion Certificate is a valid document issued on behalf of the M.C.D., 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

Whereas as per documents uploaded in each case, the **Architect Shri Tarun Kumar Paul** has accorded and issued the Occupancy-cum-Completion certificate of following several properties at his level. Based on the anomalies noticed in each case, and Occupancy-cum-Completion Certificates issued by the said Professional, the Show Cause Notices for revocation of such certificates in several cases, have already been issued to the respective applicant (s) as well as the Professional named above, as per details given below:

Sl. No.	Name of Applicant (s)	Property No.	Online ID No.	Show Cause Notice No. / Order No.	Area of Plot for which Occupancy-cum-Completion-Certificate was issued
1	Shri Mukesh Talreja	C-77/3, Khasra No.969, JVTS Garden, Chhattarpur Extn	10098573	D/475/DC/South Zone /SDMC/2022 Dated 10.05.2022	22.47 sq.mt

2	Shri Surinder Pal Singh	C-59, Kh.No.975, C-Block, Chhattarpur Extn	10099501	D/925/DC/South Zone /SDMC/2022 Dated 14.06.2022	22.47 sq.mts.
3	Shri Chander Pal Singh	A-1/89, A-Block, Chhattarpur Extn	10099496	D/1153/DC/South Zone /SDMC/2022 Dated 01.07.2022	22.47 sq.mts.
4	Shri Hafiz Ziauddin	C-76/2-B, Kh.No.970Min, JVTS Garden, Chhattarpur Extn	10099594	D/1226/DC/South Zone /SDMC/2022 Dated 06.07.2022	22.47 sq.mt.
5.	Shri Suman Kumar Jha	C-65, Khasra No.971Min, JVTS Garden, Chhattarpur Extn	10099651	D/1227/DC/South Zone /SDMC/2022 Dated 06.07.2022	22.47 sq.mt.

But no reply by any of the applicants or the Professional Shri Tarun Kumar Paul has been submitted, as reported.

Whereas these Show Cause Notices clearly envisage the violations noticed and committed by the applicants of respective cases and above named Professional, thereby extending granting illegitimate approvals and unlawful benefit to the applicant of each case. The **Professional Shri Tarun Kumar Paul** has misused the powers delegated upon him by issuing the said certificate, as already explained in the show cause notices quoted above.

Whereas so far as Occupancy-cum-Completion Certificate is concerned, it is submitted 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, whereas in the instant case, building plans have not been sanctioned by the competent authority. Moreover, in the context of Unauthorised Colonies, it is specifically pointed out that the building plans cannot be sanctioned by the Department or the Architect or Architect or allied professionals as the regulations / Development Control Norms notified in the Master Plan-2021 and Unified Building Bye-Laws are not applicable for such colonies and there is no policy / regulations for sanction of building plans or issuance of completion certificates in Unauthorised Colonies. There are set of regulations mandated under the DMC Act-1957, Master Plan-2021 and Unified Building Bye-Laws-2016 for issuance of completion-cum-occupancy certificate in respect of properties situated in various categories of colonies.

Whereas as far as professional responsibilities and liabilities of the **Architect** are concerned, it has been observed he was required to ensure regarding eligibility of the case, keeping in view the fact that:

(1) As per DMC Act-1957, Building Bye-Laws-2016 and Master Plan-2021, there is no provision to issue occupancy-cum-completion certificate for one small portion out of total area of plot. The occupancy-cum-completion 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 under the prevalent laws.

(2) The applicant and the Architect were required to ensure at their level that the case qualifies for issuance of occupancy-cum-completion certificate in terms of prevalent regulations notified in the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act, 1957.

(3) The building plans of above properties have not been sanctioned by the competent authority.

(4) The Architect 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 occupancy-cum-completion certificate, sanction of building plans etc.

Before preparing the drawings and going further for issuance of occupancy-cum-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.

(5) The Architect 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 occupancy-cum-completion certificate before proceeding further practically preparing and designing the building.

(6) Taking a common view, issuance of occupancy-cum-completion certificate is not possible under the prevalent provisions until and unless eligibility of the case is ensured by the Architect, and he failed to do so.

(7) In general, it is considered quite appropriate for the applicant of each case and the Professional to know the past background of the case as well as area, to know the permissibility and competency and take legal recourse for issuance of occupancy-cum-completion certificate of above properties.

(8) According to the sanction / approval letter, the name of the approving authority has been shown as erstwhile South Delhi Municipal Corporation (SDMC), which is incorrect, and the name of the S.D.M.C. has been misused for granting such a Certificate.

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 as per provisions of DMC Act-1957, Building Bye-Laws-2016 and Master Plan-2021, as under

1. 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 occupancy-cum-completion certificate by the Architect.

2. By not complying with the mandatory provisions, occupancy-cum-completion certificate has been issued by the Architect 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 Architect has shown brazen disregard to the aforesaid Statutes.

3. The onus for genuineness and correctness of the ownership and other allied documents / information etc submitted by the applicant at the time of issuance of occupancy-cum-completion certificate and ensuring that the case qualifies for sanction of building plans or issuance of occupancy-cum-completion certificate 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.

4. The Architect has transgressed his assigned / delegated / delegated powers, in violation of the provisions contained in the aforesaid Statutes in the above manner, thereby granting benefit to the applicant by issuance of occupancy-cum-completion certificate in violation of the laid down provisions and policy

And Whereas the aforesaid facts envisage that the Architect named above 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.

(b) In case of Architect(s), sanctioning authority shall inform the Council of Architecture (COA) regarding the act of the defaulting Architect(s) for taking suitable action for professional mis-conduct.

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 **Architect Shri Tarun Kumar Paul** is hereby debarred from signing / submission of building plan applications, application for regularization of properties, Occupancy-cum-Completion Certificate applications as well as Layout Plan Applications with the Municipal Corporation of Delhi for a period of three years.

(Dr. Ankita Chakravarty)
Deputy Commissioner
South Zone

Shri Tarun Kumar Paul
Architect
(Licence No. CA/2018/95738)
(sabirkhanat2011@gmail.com)

Copy to:
1. Chief Town Planner-Municipal Corporation of Delhi – for necessary action please.
2. Suptg. Architect (Bldg)HQ-Municipal Corporation of Delhi – with the request to endorse a copy of the said Order to all Zonal Building Departments for taking further necessary action.
3. AO – IT Department – for necessary action regarding uploading the Order in the instant case on the website.
4. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi – for kind information and necessary action please

Deputy Commissioner
South Zone

14/10/2021

Prashant