

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER, WEST ZONE
Dr. Sahib Singh Verma Nigam Bhawan
Near Shivaji College, Shivaji Place, Raja Garden,
New Delhi – 110027

(Signature)
17/05/23



No. : D-41/580/DC (West Zone)/MCD/2023

Dated : 17-05-2023

ORDER
(Debarring of Architect)

{Proceedings Under Section 338 of the DMC Act-1957 for Revocation of Regularization Plan in respect of Property No. A-1/173A, Janak Puri, New Delhi- 'Under Self Regularization Scheme'}

Whereas, subsequent to receiving of application for regularization of Property No. A-1/173A, Janak Puri, New Delhi from Shri Anil Kumar Mehta through Shri G.S. Soneja, Structural Engineer/Architect/Consultant under 'self assessment regularization Scheme', property was regularized after deposition of the requisite compounding charges and based on the documents, statements, affidavits and drawing/regularization plan submitted by the applicant vide No. 27/SR/EE(B)-II/WZ/16 dated 12.08.2016.

Whereas, in reference to a pending matter before the Hon'ble Monitoring Committee [Apex Court] relating to permanent de-sealing of aforesaid property, in compliance of the direction of Hon'ble Monitoring Committee, property was temporarily de-sealed and existing construction of the property was measured on 29.11.2022. As per the measurement, non-compoundable deviation in contrary to the Regularization Plan issued vide No. 27/SR/EE(B)-II/WZ/16 dated 12.08.2016 was observed in the said property in violation of the provisions of DMC Act/prevaling circular or guidelines.

Accordingly, a letter vide No. D-875/EE(B)-II/WZ/2022/AE(B) dated 21.12.2022 was sent to Shri Anil Kumar Mehta, owner of the property by Building Department, West Zone with the direction to submit reply about the said deviation/ changes in the existing construction beyond the regularization plan. In reference to said letter, a reply was received from the owner on 03.01.2023, which was examined and found not satisfactory. Consequently, a Show Cause Notice bearing No. D-138/EEE(B)-II/WZ/2023 dated 23.01.2023 was sent to the owner and the Architect in the case with the direction to submit their reply on the grounds as contained therein.

But no reply to the said Show Cause Notice was received from the Architect. However, a reply from the owner Shri Anil Kumar Mehta was received in the department inter-alia he had requested to allow him an opportunity of personal hearing in the matter. Accordingly, based on the request of the owner, he was given an opportunity of personal hearing before the then DC/WZ for 08.02.2023. The hearing was attended by the representatives authorized by the owner and the Architect, who were asked to file their written submission alongwith supporting documents in the

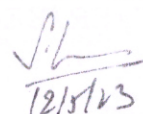
And Whereas, the submissions rendered by the applicant & the Architect and documents brought on record have been examined and found that you had submitted through your written submission that there was no deviation which was discernable in your above said regularization plan, whereas, the owner through his submission himself admitted that deviation in contrary to the regularization plan is existing in the property, which will be regularized by him later on.

And Whereas, in the mean time, an application for regularization of aforesaid property duly signed by the owner & the Architect [Shri G.S. Soneja] was again received in the department on 13.03.2023, which was accordingly dealt by the department as per prevailing guidelines/policy for regularization and based on the inspection of the property, the case was rejected on the ground that the existing construction is not according to the regularization plan submitted with the application. It shows that you have committed professional mis-conduct in the manner explained in the foregoing para.

From the foregoing, it is an admitted fact that there is deviation existing in the property in contrary to the regularization plan issued under self assessment regularization scheme vide No. 27/SR/EE(B)-II/WZ/2016 dated 12.08.2016 and as such, action initiated by the department u/s 338 of the DMC Act is justified.

Thus, the Architect and the applicant appear to have hoodwinked the department by adoption of such unfair means and by suppression and concealment of material facts. The onus for genuineness and correctness of documents/information etc. lies with the Architect as well as applicant only.

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, Shri G.S. Soneja, Structural Engineer/Architect/Consultant is hereby debarred from signing / submission of building plan applications, application for regularization of properties, Completion Certificate applications etc. as well as Layout Plan applications with the Municipal Corporation of Delhi for a period of three years.


12/5/23
**Deputy Commissioner,
West Zone**

Shri G.S. Soneja
Structural Engineer/Architect/Consultant,
(License No. E-1383),
R/o I-13, Kirti Nagar,
New Delhi - 110015

Copy to :

1. Chief Town Planner-MCD.
2. Supdt. Engineer (Bldg.)HQ-MCD – with the request to endorse a copy of the said Order to all Zonal Building Departments for taking further necessary action.
3. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi – for kind information and necessary action please.