



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

No D- 156 /DC /KPZ/2025

Dated: 21/07/25

**ORDER**

**(Proceedings Under Section 338 of the DMC Act-1957 for Revocation of Sanctioned Building Plan in respect of P.No.438, Deepali, Pitampura, Delhi)**

**Ref:**

<b>Name of Applicants</b>	1. Shri Ashish Garg 2. Smt. Shipra Garg
<b>Name of Architect, who sanctioned / issued the building plan</b>	Shri Sanjay Tushir (Licence No. CA/2016/78621)
<b>Online ID No.</b>	20004475 dated 05.09.2023
<b>Area of Plot</b>	365.17 sq.yds.

Whereas an application for sanction of building plan of above property was submitted by the above named applicants 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 exclusively 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 them and the Architect, such as e-Undertakings, ownership documents, drawings etc.

Whereas the instant case has been scrutinized under test-check. 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:



- (a) Conveyance-Deed dated 27.04.2017 executed by D.D.A. in favour of Shri Uday Thanawala and through its attorney in favour of Shri Pawan Duggal;

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

The above anomalies are such in nature, which need to be rectified / removed by the applicants 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/370/DC/KPZ/2025 dated 17.12.2024, under Section 338 of DMC Act-1957 was issued to the applicants and Architect to show cause as to why the sanction of building plans be not revoked. In response, the applicants Shri Ashish Garg and Mrs. Shipra Garg, as well as Architect Shri /Sanjay Tushir, submitted a joint reply dated 26.12.2024, contending that the ownership documents could not be submitted due to some technical flaw on the portal of M.C.D. They submitted the ownership documents, and requested to grant them an opportunity of personal hearing. In the interest of natural justice, an opportunity of personal hearing was granted to them, which was fixed for 22.01.2025. The hearing proceedings in the matter were held on 22.01.2025, 11.02.2025, 20.03.2025, 04.04.2025, 24.04.2025, 15.05.2025, 20.06.2025, 27.06.2025 and 03.07.2025. On the initial hearing on 22.01.2025, 20.03.2025, 15.05.2025, 20.06.2025, 27.06.2025 and 03.07.2025, the applicants and the Architect did not attend the hearing. During other hearing proceedings, Shri Amit Kumar on behalf of the Architect contended that revised building plan application would be submitted and they will demolish the entire existing structures. They admitted their lapse stating the ownership of property had changed hands and they would submit the revised application with complete chain of ownership documents. The hearing proceedings were concluded by the undersigned on 03.07.2025.

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

1. Conveyance - Deed dated 27.04.2017 executed by D.D.A. in favour of Shri Uday Thanawala through his attorney in favour of Shri Pawan Duggal;

On perusal of the said documents, it has been observed that the ownership of property is not established in favour of the applicants Shri Ashish Garg and Smt. Shipra Garg.

Whereas it appears that sanction of building plan was obtained by the applicants 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 applicants at the time of sanction of building plans and ensuring that the case qualifies for sanction of building plans in terms of prevalent regulations notified in the Master Plan-2021, Unified Building Bye-Laws-2016 and DMC Act, 1957 jointly lies with the applicants as well as Architect only. Moreover, the applicants 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 applicants by the Architect, in respect of **P.No. 438, Deepali, Pitampura, Delhi, vide online ID No. 20004475**. 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 Shri Sanjay Tushir (License No. CA/2016/78621) 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.



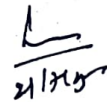
**Deputy Commissioner**  
**Keshav Puram Zone**

Shri Ashish Garg  
Smt. Shipra Garg  
438, Deepali  
Pitampura  
**DELHI - 110034**

Shri Sanjay Tushir  
Architect  
(Licence No. CA/2016/78621)  
B-1/37 - First Floor  
Sector-17  
Rohini  
**DELHI - 110089**

**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, 1<sup>st</sup> floor, Lodhi Road, Delhi-110003
7. EE (B-I/KPZ)
8. AE (B-I) concerned, Ward No. 58 : for necessary action.
9. Office copy



**Deputy Commissioner**  
**Keshav Puram Zone**