



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



No. : D-85 /EE(B)-I/DC(WZ)/2025

Dated : 19/6/2025

ORDER UNDER SECTION 338 OF DMC ACT, 1957

Whereas, an application through online mode for sanction of building plan was submitted by Shri Nitin Jolly through his Architect namely Shri Rahul Kochhar for construction of a residential building on P.No. F/15, Village Basai Darapur, Rajouri Garden, New Delhi vide I.D. No. 20011216 dated 21.05.2024.

And Whereas, the applicant, alongwith the application, had submitted requisite documents for sanction of building plan in respect of aforesaid property, which was examined and found that the building plan of the aforesaid property has been sanctioned in violation of the provisions of UBBL-16 on the following ground -

"The High Court of Delhi vide judgment dated 30.04.2024 had ordered the petitioner seeking sanction of building plan qua the property shall be duly considered by MCD in light of judgment of coordinate bench in Sanjeev Malhotra Vs MCD case. However, rather the applicant submitted his application in terms of the orders of Hon'ble Court before competent authority of MCD for consideration of sanction the building plan of his property, he had got sanctioned his building plan through the architect under Saral Scheme taking into consideration the plot size of 383.34 sq.yds. out of 1150 sq.yds., without considering proportionate coverage as per judgment. Thus, giving benefit of extra coverage and FAR to the owner for the plot size of 383.34 sq.yds."

Therefore, the sanction of building plan was obtained by the applicant through his Architect, is in violation of the provisions of Master Plan-2021 and Unified Building Bye-Laws-2016, by suppression and concealment of material facts, misrepresentation of facts. Thus, the applicant appears to have hoodwinked the Department to procure the sanctioned of building plan by adoption of such unfair means and by suppression and concealment of material facts.

And Whereas, based on aforesaid, a Show Cause Notice bearing No. D-08/EE(B)-I/DC(WZ)/2025 dated 04.04.2025 was issued to the Owner and the Architect of the case, to submit their reply on the ground as contained therein. But no reply to the said show cause notice was received from the applicant. However, a reply was received from Shri Rahul Kochhar, Architect on 15.04.2025, which was examined and considering it appropriate to allow the applicant & the Architect an opportunity of personal hearing in the matter to explain the facts alongwith supporting evidence. Further, the date of hearing was fixed for 07.05.2025 at 3.15 PM and they were intimated according vide letter No. D-71/EE(B)-I/WZ/2025/AE(B) dated 29.04.2025.

And Whereas, in pursuant to aforesaid letter, S/Shri Rahul Kochhar and Nitin Jolly had turned up to attend the hearing before the undersigned as per schedule on 07.05.2025. Further, during the hearing Shri Rahul Kochhar admitted that he was well aware about the sub-division of plot but he could not calculate the proportionate FAR and ground coverage. He further shows his willingness to re-submit a fresh plan. Whereas, the owner had stated that he want to submit a reply within a week time. The hearing was subsequently closed for passing further order in the matter.

And Whereas, based on the submission of the Architect, it is evident that he admitted that the building plan has been sanctioned in respect of P.No. F/15, Village Basai Darapur, Rajouri Garden, New Delhi in violation of the provisions of UBBL-16/MPD-2021. On the other hand, in compliance of the submission made by the owner that he will submit his reply in the matter within a week time, no reply has been received in this office so far, even after lapse of stipulated period.

Whereas the matter has been got examined. It has been reported that there has been violation of the policy of Circular No. South DMC/Addl. Cm(RG)/2019/217 dated 15.10.2019 to be read with its amendment issued vide Circular No. South DMC/Addl.Cm(AAT)/2019/221 dated 04.11.2019, vide which empower the Architects to sanction the building plans of residential plots upto 500 sq.mt. You, being an Architect, are required to be well acquainted with the facts and background of the case, as well as policies of Building Department, and discharge your obligations and commitments diligently in terms of sanction of building plans. Moreover, all such rules/regulations and policies are already integral part of the Unified Building Bye-Laws-2016 and Master Plan-2021, and these statutes are significant in professional path and approach of the Architect. Thus, you have committed professional mis-conduct in the manner explained in the Notice referred in the foregoing para.

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 Rahul Kochhar 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 Municipal Corporation of Delhi for a period of 06 months.

Deputy Commissioner
West Zone

Shri Rahul Kochhar
Architect (Licence No. CA/2018/91504)
118, LSC C-Block,
Vikas Puri,
New Delhi

Copy to :-

1. Chief Town Planner, MCD - with the request to endorse a copy of the said Order to the Town Planning Department of respective Municipal Corporation.
2. Supdt. Engineer (Bldg.)/HQ, MCD - with the request to endorse a copy of the said Order to all Zonal Building Departments of Municipal Corporation of Delhi for taking further necessary action.
3. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi - for kind information and necessary action please.
4. AO-IT Department - for necessary action regarding uploading the order in the instant case on the website.
5. EE(Bldg.)-I & II/WZ.
6. Office copy.

Deputy Commissioner
West Zone

20/05/21
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