



No. D- 74 /DC/C-SPZ/2023

Dated: 07/06/23

ORDER UNDER SECTION 338 OF THE DMC ACT REVOKING SANCTIONED BUILDING PLAN DATED 28/05/2019 VIDE ID NO.10063844 OF PROPERTY NO.1773, WARD NO.XI, KUCHA DAKHNI RAI, KALAN MAHAL, DARYA GANJ, NEW DELHI-110002.

Whereas, in this case, a building plan was sanctioned vide ID No.10063844 on 28/05/2019 concerning to Property No. 1773, Ward No.XI, Kucha Dakhni Rai, Kalan Mahal, Darya Ganj, New Delhi-110002 by ignoring rules and regulations required under Saral Scheme.

And whereas, it is purely responsibility of the architect to ensure that the plot / property concerned meets the requirement of UBBL, Master Plan, Zonal Development Plan, LOP and the relevant circulars issued from time to time before sanction of plans.

And whereas, upon perusal of the file of online sanctioned building plan in respect of Property No. 1773, Ward No.XI, Kucha Dakhni Rai, Kalan Mahal, Darya Ganj, New Delhi-110002, it has transpired that the sanction/intimation has been procured without obtaining NOCs from the Delhi Urban Art Commission and Archaeological Survey of India, in gross violation of the UBBL and Circular No. South DMC/Addl.Cmr.(RG)/2019/217 dated 15/10/2019 as the NOCs are required from the DUAC & ASI being external agencies issued from time to time.

And whereas, Architect Ms. Madhavi Kashiva, MCD License No.CA/2008/42688 is not even competent to get the building plan sanctioned for the property in question vide Circular No. South DMC/Addl.Cmr.(RG)/2019/217 dated 15/10/2019 as the NOCs are required from the DUAC & ASI being external agencies.

And whereas, in the instant case, building plan was procured vide ID No.10063844 in respect of Property No. 1773, Ward No.XI, Kucha Dakhni Rai, Kalan Mahal, Darya Ganj, New Delhi-110002 by ignoring the essential requirement for sanctioning of building plan i.e. 'No Objection Certificates' from Delhi Urban Art Commission and Archaeological Survey of India, which is gross violation of the Unified Building Bye Laws under Saral Scheme (Ease of Doing Business).

And whereas, a detailed show cause notice bearing No.D/DC/CSPZ/2023/59 dated 19/05/2023 was issued under section 338 of the DMC Act, and served on the available addresses through 'Speed Post' thereby asking Smt. Sanjeeda Begum & Shri Haji Qayamuddin, alleged owners of the property in question & Ms. Madhavi Kahiva, Architect (CA/2008/42688) to show cause within a period of 03 days from the date of receipt of the same as to why Building Plan dated 28/05/2019 vide request ID No.10063844 of Property No. 1773, Ward No.XI, Kucha Dakhni Rai, Kalan Mahal, Darya Ganj, New Delhi-110002 be not revoked, the charges already paid be not forfeited and further as to why action deemed appropriate be not taken against the Architect.

And whereas, no reply to the said show cause notice has either been received in the office from the alleged owners of the property Smt. Sanjeeda Begum & Shri Haji Qayamuddin or from Ms. Madhvi Kashiva, Architect.

And whereas, I have gone through the entire record of the case, which includes documents related to sanction of building plan under Saral Scheme vide request ID No.10063844 dated 28/05/2019, report of the department, Circular No.South DMC/Addl.Cmr.(RG)/2019/217 dated 15/10/2019 regarding development of online module for sanction of plan upto 500 sqm by the professionals (Architects / Engineers). The Architect Ms. Madhavi Kashiva (CA/2008/42688) obtained the sanction wrongfully through misrepresentation as well as without visiting the property in question. A perusal of Circular dated 15/10/2019 clearly stipulates that the qualified and licensed Architect / Engineer is empowered to issue building permit subject to fulfilment of codal formalities in respect of residential properties upto 500 sqm (except the properties situated on



13/06/23
JAO/11

13/06/23
Indra Kaur

stified commercial / MLU / PSS road and the areas in which NOC from any external agency like DUAC, AAI, ASI, Railway, HCC, Forest etc.). In the present case as the property falls under Shahjahanabad Area (Old City), therefore, NOC from DUAC & ASI are mandatory and as such in terms of Circular dated 15/10/2019 irrespective of property size, Ms. Mahavi Kashiva, Architect was not competent / empowered to issue the sanction plan under Saral Scheme in respect of property in question vide request ID No.10063844 dated 28/05/2019.

Smt. Sangeeta Begum & Shri Haji Qayamuddin, alleged owners and Ms. Madhavi Kashiva, Architect procured sanctioned building plan without getting NOCs from DAUC & ASI, which is in violation of the UBBL & Saral Scheme as mentioned below:

"As per intimation letter clause (b) "any material misrepresentation or fraudulent statement by the owner (s)/Builder/Architect/Engineer contained in this intimation under Saral Scheme shall lead to be automatic cancellation of the undertaking forfeiture of the building permit fee besides other penal action" and as per clause (d) "the owner(s)/Builder/Architect/Engineer shall be solely responsible for the correctness and geniuses of the plan & documents, details and particular submitted by them and for obtaining all requisite NOC from the concerned Department."

And now, therefore, in view of the discussions made herein above, I, Ankita Mishra, Deputy Commissioner, City SP Zone, Delhi exercising power under section 338 read with section 491 of the DMC Act hold that the above said building plan under SARAL SCHEME vide I.D. No. 10063844 as per Chapter-4 Unified Building Bye Laws of Delhi, 2016 in respect of Property No. 1773, Ward No.XI, Kucha Dakhni Rai, Kalan Mahal, Darya Ganj, New Delhi-110002 is hereby **revoked due to deliberate concealment of facts & mis-representation** as stated herein above including the **forfeiture of Rs. 1,24,977/-** the charges already paid and further **debaring Ms. Madhavi Kashiva, Architect (CA/2008/42688)** from the panel of registered Architect of Municipal Corporations of Delhi for a period of **three years** from the date of issuance of this order. The owners of the property are also directed that no further construction shall be carried out at this site failing which appropriate action as per law including prosecution shall be initiated the owners.

Issued under my hand and seal on this 31st day of June, 2023.


(ANKITA MISHRA)
Deputy Commissioner
City Sadar Pahar Ganj Zone

1. Smt. Sanjeeda Begum & Shri Haji Qayamuddin, Owner
1773, Ward no.XI, Kucha Dakhni Rai,
Kalan Mahal, Darya Ganj, New Delhi-110002
2. Ms. Madhavi Kashiva, Architect
MCD License No.CA-2008/42688,
(Through Smt. Sanjeeda Begum & Shri Haji Qayamuddin)

Copy to: -

1. Secretary, Council of Architecture, India Habitat Centre, Lodhi Road, New Delhi- with the request to initiate necessary action against Architect please.
2. All Zonal Deputy Commissioners of MCD for kind information.
3. Chief Town Planner, Municipal Corporation of Delhi-for necessary action.
4. SE's(Bldg.), HQ, Municipal Corporation of Delhi - for necessary action.
5. All Zonal EE's (Bldg.), Municipal Corporation of Delhi for necessary action.
6. A.O(IT) with the request to upload the same on MCD Website/portal.
7. Office Copy


(ANKITA MISHRA)
Deputy Commissioner
City Sadar Pahar Ganj Zone

