



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ADDITIONAL COMMISSIONER (ENGG)
DR. SHYAMA PRASAD MUKHERJEE CIVIC CENTRE:
JAWAHAR LAL NEHRU MARG
NEW DELHI

No. D/ 100 /Addl. Cm. (Engg/Bldg HQ)/MCD/2023 Date: 01/06/2023

WARNING

(Proceedings Under Section 338 of the DMC Act-1957 for Revocation of Sanctioned Building Plans in respect of P. No. 62, Block-B-3, Safdarjung Enclave, New Delhi)

Ref:

Name of Applicants	1. Swadesh Bahadur Singh 2. Shri parvesh Bahadur Singh 3. Shri Naresh Bahadur Singh 4.
Name of Architect, who sanctioned / issued the building plans	Shri Anand Nawani (Licence No. CA/1987/10722)
Online ID No.	10103909
Area of Plot	376.25 sq.mts.

Whereas a Notice under Section 333, 334 and 335 of the DMC Act-1957 for construction of a residential building was submitted by the applicants, with the Architect as named above. The application was sanctioned by the said Architect at his level vide above referred ID.

And Whereas the Architect named above exercised his powers as per Circular No. South DMC/Addl.Cmr. (RG)/2019/217 dated 15.10.2019, which empower 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), with the clear stipulation that consequences / responsibility, if any, on account of erroneous sanction shall be exclusively borne by the Architect / Engineer.

The sanction of building plans was released on 27.06.2022 as per Clause No. 3.1.1.2(ii) of the Unified Building Bye-Laws-2016 and Circular dated 15.10.2019 quoted above.

Whereas during scrutiny of the building plans sanctioned by the above named Architect, it came to notice that there is mis-representation and concealment of facts committed by the Architect and the applicants, in the following manner:

1. Plot under reference not marked on the approved Layout Plan.
2. The GPA of Mrs. Surender Kaur Gandhi in favour of Shri Sandeep Bahadur Singh through which the Declaration Deed was executed by Mrs. Surender Kaur Gandhi has not been uploaded.
3. The owner namely Shri Parvesh Bahadur Singh was represented through

Whereas based on the aforesaid infractions, a Show Cause Notice bearing No. D-31/CE(B)/HQ/2022 dated 20.09.2022 was sent to the applicants and Architect of the case, to show cause as to why the sanction of building plans be not revoked. In response, the Architect Shri Anand Nawani, submitted a reply dated 28.09.2022, with various contentions and pleas, and requested for a personal hearing in the matter. Acceding to his request, an opportunity of personal hearing was fixed for 30.11.2022. On the said date, Shri Anand Nawani contended that the plot under reference is the part of approved Layout Plan. He also stated that all ownership documents in favour of the applicant were uploaded by him. For the setbacks, he stated that the benefit of preceding category of setbacks was taken by calculating the area of staircase and lift, which is free from FAR and ground coverage calculations. He submitted a written representation supporting his contentions.. The hearing proceedings were concluded on the said date by the undersigned.

Whereas the matter has been got examined. On the issues contained in the Show Cause Notice, the applicants and the Architect have taken various contentions and pleas. From the documents and record placed before the undersigned, it has been derived as under:

1. The Layout Plan has been submitted by the Architect and verified, which shows that the plot under reference forms part of approved Layout Plan.
2. The documents relating to ownership with mention of owners / GPA holder have been submitted.
3. Regarding setbacks, it has been observed that the area of plot is 376.25 sqm. The permissible ground coverage for this size of plot is 75% i.e. 282.19 sqm. As per MPD-2021 setbacks for this size of plot is 3.0 mts. in the front, rear and side (1), whereas on side (2), it is 0. By maintaining these setbacks the balance ground area remains to 229.72 sqm which is less than the permissible ground coverage of 282.19 sqm (which is permissible under the said category). But the Architect has proposed the ground coverage in preceding category of setbacks as 228.41 sqm. Hence, the proposed ground coverage for the size of plot of the applicant is achievable without availing the relief applicable for preceding category setbacks. It has been observed that this violation is minor in nature. This can be rectified in the proposal by the applicants and Architect, by way of submitting the revised building plans, therein reflecting the ground coverage and FAR applicable in the instant case, notified in the Master Plan-2021 and Unified Building Bye-Laws-2016. Moreover, the case is at nascent stage and there is scope for the applicants and the Architect to take necessary remedial steps to this effect. The applicants, through their Architect, have submitted a representation dated 13.03.2023, wherein they have shown the rectified / revised calculations, and the applicants and Architect are accordingly required to upload the revised building plans for fresh approval.

However, this conclusion is subject to getting the revised building plans sanctioned within a period of one months' time by the Architect and the applicants, so that anomalies and technical glitches reflected in the Show Cause Notice could be resolved to bring the proposal for the construction in the property within the ambit of Master Plan-2021 and Unified Building Bye-Laws-2016

Thus, there does not appear to continue further in the present proceedings under Section 338 of the DMC Act-1957

However, **Shri Anand Nawani – Architect is hereby warned to be cautious in future** and ensure that such violations do not recur on his part. The Show Cause Notice No. D-31/CE(B)/HQ/2022 dated 20.09.2022 issued under Section 338 of the DMC Act-1957 is being withdrawn separately with dropping of further proceedings in the matter.


(Sakshi Mittal)

I.A.S.

Additional Commissioner (Engg /
Building HQ)

Shri Anand Nawani
Architect
House No.A-21 – Basement
Shivalik
Malviya Nagar
NEW DELHI – 110 017

Copy to:

1. Chief Town Planner – for necessary action
2. Suptg. Engineer (Bldg)HQ for necessary action
- ✓ 3. AO – IT Department – for necessary action regarding uploading the Order in the instant case on the website.



Additional Commissioner (Engg /
Building HQ)


05/05/23
Nisha