



**SOUTH DELHI MUNICIPAL CORPORATION**  
**OFFICE OF THE DEPUTY COMMISSIONER**  
**SOUTH ZONE: GREEN PARK**  
**NEW DELHI**

No. D/ 237 /DC/South Zone/SDMC/2020

Date: 17/6/2020

**O R D E R**

**(Sanctioned Building Plans in respect of Property No. 85, Khasra No.73, Yusuf Sarai, Gautam Nagar, New Delhi vide Online ID No. 10045287)**

Whereas an application for sanction of building plans was submitted by you through online mode for construction of a residential building on P.No. 85, Khasra No.73, Yusuf Sarai, Gautam Nagar, New Delhi vide Online ID No. 10045287 dated 23.01.2018, having area as 180 sq.yds. The application was entertained through online mode by the Department on the basis of plans, documents, affidavits, Indemnity Bonds and statements etc submitted by you.

Whereas based on the documents submitted by you including the ownership documents, the sanction of building plans was accorded and released by this office through online mode on 23.01.2018.

Whereas consequent upon release of sanction of building plans, a complaint dated 23.03.2018 has been received from Shri Niranjn Singh regarding alleged forged ownership documents (Sale-Deed etc.) submitted by you through online mode. The complainant has submitted certain documents supporting his contentions.

Whereas it has been reported that in the past also, the building plans were sanctioned through offline mode vide File No. 01/Appeal/UR/B-1/SZ/2014 dated 05.09.2014. At the time of sanction of building plans, the following ownership documents were submitted by the you:

1. *Sale-Deed dated 21.10.1964 executed by Shri Hari Singh in favour of Shri Dharam Singh.*
2. *Gift-Deed of June-2002 executed by Shri Dharm Singh in favour of Shri Sunder Lal Gautam*
3. *Sale Deed dated 18.08.2005 executed by Shri Sunder Lal Gautam in favour of (i) Shri Anand Kumar and (ii) Shri Birjender Singh Panwar and (iii) Rajinder Pal Singh;*
4. *Sale-Deed dated 09.09.2010 in favour of Shri Amarjeet Singh Chitkara and Shri Inderpal Wadhwa executed by (i) Shri Anand Kumar and (ii) Shri Birjender Singh Panwar and (iii) Shri Rajinder Pal Singh*

but the sanction of building plans was later on revoked by the competent authority on the grounds of forged ownership documents executed by Shri Hari Singh in favour of Shri Dharam Singh, vide revocation Order No. 2461/DC/EE(B)-I/SZ/2016 dated 03.02.2016.

Whereas it has been reported based on the record of the office that another building plan application from you namely Shri Amarjeet Singh Chitkara and Shri Inderpal Wadhwa was submitted vide File No. 06/UR/B/SZ/2016 dated 08.08.2016, which was later on rejected by the Department due to non-compliance of observations contained in the letters dated 10.08.2016 and its reminders.

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Whereas alike reasons relating to alleged forgery in ownership documents submitted by you through online mode have been brought to the notice by the complainant in the instant case.

Whereas based on the aforesaid explained position, a Show Cause Notice No. D/1467/DC/South Zone/SDMC/2018 dated 23.07.2018 under Section 338 of the DMC Act, 1957 issued to you to show cause as to why the sanction accorded to you in respect of Property No. P.No. 85, Khasra No.73, Yusuf Sarai, Gautam Nagar, New Delhi vide Online ID No. 10045287 be not revoked under Section 338 of the DMC Act-1957 and also under the provisions of Building Bye-Laws and the work commenced, erected or done at site in pursuance of the same be treated as without any valid sanction. In response, a reply dated 09.08.2018 was received from you, with several contentions and pleas and you requested for a personal hearing in the matter.

Whereas acceding to your request, an opportunity of personal hearing was granted to you, which was fixed for 13.09.2018, and duly communicated to you vide letter No. D/1592/Bldg.I/SZ/2018 dated 07.09.2018. The hearing was held on 14.09.2018, wherein you were present. During hearing, you submitted a reply with certain documents. In the meantime, the matter was also taken up with the Revenue Department for verification of ownership documents. Further hearing was held on 25.02.2020, wherein you submitted certain written documents, and also stated that they have already submitted the documents. You stated that you have nothing else to say in the matter. The hearing proceedings were accordingly concluded by the undersigned.

Whereas the matter has been got examined. It has been reported that in respect of property under reference, three separate applications were submitted during different years:

1. **Initial application** was submitted vide File No. 01/Appeal/UR/B-I/SZ/2014 dated 05.09.2014 by Shri Inder Pal Wadhwa and Shri Amarjeet Singh Chitkara. The sanction of building plans was revoked by the competent authority under Section 338 of the DMC Act, 1957 vide Order No. 2461/DC/EE(B)-I/SZ/2016 dated 03.02.2016 on the ground of forged ownership documents submitted by you.
2. **Second application** was submitted vide File No. 06/UR/B/SZ/2016 dated 08.08.2016 by you i.e. Shri Inder Pal Wadhwa and Shri Amarjeet Singh Chitkara. This application was later on rejected by the Department due to non-compliance of observations contained in the letters dated 10.08.2016 and its reminders.
3. **Third application** was submitted through online mode on 23.01.2018, vide online ID No. 10045287 by you, which was sanctioned by the Department based on the ownership documents submitted by you. The instant proceedings under Section 338 of the DMC Act, 1957 are relating to the third application. In the third application, the issue of ownership was not specifically clear in your favour, and thus, the matter was taken up with the Law Department from ownership point of view, and complying with their advice, the building plans were sanctioned by the Department after getting an Indemnity Bond and Affidavit / Undertaking submitted from the applicant to keep the Department harmless in case of any dispute regarding ownership and regarding genuineness of ownership and other documents.

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During the course of hearing proceedings, you submitted certain ownership documents in the form of Sale-Deed, Gift-Deed, House Tax paid receipt etc. It has been reported that at the time of initial sanction in the year 2014, and as per present application, there is difference of ownership documents, as in the present application, you submitted SOME ownership documents, but the Sale-deed registered in 1964 has not been submitted and instead, some additional ownership documents have been submitted.

Whereas a court case in Writ Petition No. 4903/2018 titled as "Niranjan Singh Vs The State (Govt. of NCT of Delhi) and Ors" was filed before the Hon'ble High Court by Shri Niranjan Singh, the complainant in the aforementioned case. On submission of Status Report on the complaint of the petitioner that the show cause notice under Section 338 of the DMC Act, 1957 was issued, the court case was disposed-off by the Hon'ble High Court vide its orders dated 11.09.2018, with the direction to SDMC to determine the show cause notices in accordance with law.

Whereas from ownership point of view, the matter was also taken up with the Revenue Department - Government of NCT of Delhi. After getting the matter examined in detail, and continuous prolonged correspondence, the following facts have emerged:

1. The ownership in your favour i.e. Shri Inder Pal Wadhwa and Shri Amarjeet Singh Chitkara has not yet been completely established.
2. In the initial first application dated 05.09.2014 and the application dated 23.01.2018, the documents submitted for ownership are different and there has been concealment of facts in terms of ownership on your part.
3. In the initial first application dated 05.09.2014, the forged Sale-Deed executed on 21.10.1964 (executed by Shri Hari Singh in favour of Shri Dharam Singh was submitted), whereas in the later application in 2018, some additional documents relating to ownership were submitted.
4. The Gift-Deed dated 09.12.2002 was not verified by the Revenue Department, with the report / reply that as per the peshi register their office, Gift-Deed vide Registration No. 13137 dated 09.12.2002 has been registered in their office but the same is not found till date. Since the ownership is a pivotal issue, thus, the authenticity of Gift-Deed dated 09.12.2002 is absolutely essential, since earlier revocation of previous sanction of building plans vide order No. 2461/DC/EE(B)-I/SZ/2016 dated 03.02.2016, was done on grounds of forged ownership documents executed by Shri Hari Singh in favour of Shri Dharam Singh.
5. It has also been established that while initially in the year 2002, the area of plot was 194.44 sq.yds., which in the subsequent sale-deed dated 09.09.2010 was reduced to 180 sq.yds. Thus, as the cut-off date for proving sub-division of plot is 07.02.2007 as per Master Plan-2021 / Gazette Notification, therefore, the property does not qualify the said criteria for getting the building plans sanctioned.
6. Thus, the past background of the property with allied similar proceedings steers the Department to come to a conclusion that the ownership documents, which are pre-requisite to get sanction of building plans, cannot be relied upon, as were submitted by you while getting the building plans sanctioned vide online ID No. 10045287.

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