

**Minutes of the 15<sup>th</sup> meeting of the Expert Advisory Committee to review the cases for construction/reconstruction/ addition/ alteration/renovation of buildings in the prohibited/regulated areas of the centrally protected monuments held on Wednesday 7<sup>th</sup> May, 2008 at 1.00pm in the Conference Room, Office of the Director General, Archaeological Survey of India, Janpath, New Delhi.**

The meeting was chaired by the Director General, Archaeological Survey of India, and was attended by the following experts/members:

1. Shri J.P. Joshi
2. Prof. Narayani Gupta
3. Prof. Mohammad Shaheer
4. Prof. K.T. Ravindran
5. Shri Gautam Bhatia

Besides the above experts, following officers of the Archaeological Survey of India, were also present in the meeting:

1. Shri Vijay S. Madan, Additional Director General.
2. Shri A.K. Sinha, Superintending Archaeologist (Monuments)
3. Shri Daljit Singh, Dy. Superintending Archaeologist, Delhi Circle
4. Shri V.K. Swarnkar, Dy. Superintending Archaeologist, Delhi Circle
5. Shri A.R. Siddiqui, Dy.SA, Hqrs.
6. Shri G.S. Narsimhan, SA, Mumbai Circle, Mumbai
7. Shri Jitendra Nath, Dy.SA, Vadodara Circle
8. Mrs. B. Prasad, Principal Secretary, Govt. of NCT Delhi, PWD
9. Shri R. Subramanian, Engineer-in-Chief, PWD
10. Shri B.N. Nagaraja, Chief Engineer, PWD
11. Shri S. Baliga, Executive Director, NBCC
12. Shri V.K. Panchal, Chief Engineer, DDA
13. Shri S.C. Jain, Architect, DDA
14. Shri P.K. Solanki, DDA
15. Shri Surjit Jaradhara, DDA
16. Mrs. Veena Ish, Principal Commissioner, DDA

The Director General, Archaeological Survey of India welcomed the members of the Committee.

In the meeting following proposals as per the agenda items were discussed: -

**Delhi Circle**

1. **Permission for construction of elevated road over Barapullah Nala - the proposal submitted by PWD, Govt. of NCT, Delhi. (F.No.24/24/2006-M)**

The PWD officials, Govt. of NCT, Delhi gave a detailed presentation on their proposal for construction of elevated road over Barapulla Nalla which shall connect Common-Wealth Games village near Akshardham temple with Jawaharlal Nehru Stadium. They explained that the elevated road shall pass through the prohibited area of Barapulla Bridge and regulated area of Khan-i-Khana Tomb at the distances of 5 m and 107 m, respectively. Through computer simulations it was also explained by them that visual impact could be reduced by increasing the height of the elevated road to 12.5 meters. The PWD also stated its resolve to address the problem of upgradation of area around Barapulla Bridge which is presently in a fairly chaotic state. The PWD officials informed that various alignments had been studied in depth and that the present alignment was found most viable. Approval of the Archaeological Survey of India was sought so that the work at site could be started immediately as little time was available to complete the project in time for Common-Wealth Games – 2010. The members of the Expert Advisory Committee deliberated upon the proposal at length. Two distinct views emerged as a result of the deliberations:

- (i) The proposal can be recommended subject to conditions such as ensuring the safety of the Barapulla Bridge, undertaking the conservation of Barapulla Bridge in close coordination with ASI, and undertaking the upgradation and environmental development of the historic area around the Barapulla Nala.
- (ii) The elevated road as per the proposed alignment should not be approved because it has no legacy value and it passes too close to Barapulla Bridge, a centrally protected monument. The Delhi Government should, therefore, be advised to look at other alignment options.

In the event that the course of action mentioned at (i) above was decided to be acted upon, the following conditions will need to be implemented:

1. The piers proposed at a distance of 110 m from each other should be constructed as far away as possible from Barapulla Bridge on either side.
2. No construction activities should be taken up in close vicinity to Barapulla Bridge.
3. It must be ensured that while laying the foundation for piers no damage at all is caused to the Barapulla Bridge.
4. A Conservation Architect must be engaged to prepare a conservation plan for Barapulla Bridge.
5. ASI should be actively involved during the stage of digging for laying of the foundation for the piers in the prohibited area of Barapulla Bridge in order to retrieve archaeological remains, if any.
6. Use of heavy machines in close vicinity of Barapulla Bridge must be avoided.
7. As agreed by the Engineer-in-Chief, PWD, Govt. of NCT of Delhi during the meeting, the elevated road alignment may be shifted away from Barapulla Bridge on the north as far as possible.
8. PWD must obtain fullest cooperation of MCD, DJB, BSES, Delhi Police and other Government agencies to ensure that area around Barapulla Nalla is made encroachment free and slum-dwellers are adequately relocated.

**2. Licence/Permission for improvement of existing Swimming Pool along with utility structures in Siri Fort Sports Complex – proposal submitted by D.D.A.(F.No. 24/44/2008-M)**

D.D.A. proposes to undertake various activities at the existing Siri Fort Sports Complex including construction of a temporary tensile structure upto a height of 15 m., providing a treatment plant near the Swimming Pool, temporary games supporting activities, construction of a new building block upto the height of 15 m, sewerage system, fire fighting facility, installation of filtration plant and sound equipments, creation of water bodies, landscaping, re-furbishment of existing buildings and covering of

open area near administrative block with polycarbonate sheets or tensile structure upto a height of 12m.

The DDA officials made a presentation on the proposal before the members of the Committee. It was noted that the proposal did not contain adequate details, except on the tensile structure. The members of the Committee were firmly of the opinion that unless and until details in respect of each item of work proposed to be taken up by the DDA at the Siri fort Sports Complex are made available it was not possible for them to offer any views. The DDA was accordingly asked to submit details on each item of proposed work to be placed before the Committee in the next meeting of Expert Advisory Committee for examination.

**3. Permission for reconstruction of a house in the prohibited area of Humayun's Tomb in favour of M/s EMCA Construction Company (Shri M.P. Gupta). (F.No. 24/37/2008-M)**

The applicant has appealed to DG,ASI for grant of permission for reconstruction of a house at Property No.A-10, Nizamuddin, (East), New Delhi, which falls in the prohibited area of Humayun's Tomb at a distance of 82 m. S.A., Delhi Circle had denied the permission to the applicant on 28.2.2008. The applicant has informed that there are many buildings of higher height between his property and Humayun's Tomb.

The proposal submitted by the applicant was explained by the Dy.SA, Delhi Circle with the help of a lay-out plan of the colony, drawings of the proposed construction, photographs of the existing building and also those located in between the monument and the site of construction and Google image of the area. The members took note of the fact that several buildings do indeed exist between the site of the construction and the protected monument. It was felt that grant of permission for reconstruction of upto second floor to the applicant will not result in affecting the sky-line any further. They recommended that the ASI may grant permission for reconstruction of the building at A-10, Nizamuddin (East), New Delhi subject to the maximum height of the existing building comprising ground, first and second floors only. The request of the applicant for construction of third floor was not found acceptable. The members also recommended that prior to granting permission, the ASI must document the existing structure

and ensure that the maximum height upto which the applicant can construct is not more than the height of the existing building.

**4. Permission for construction of building at Property No.A-91, Malviya Nagar, New Delhi in the prohibited area of Sarai Shahji, in favour of Shri Subash Anand. (F.No. 24/38/2008-M)**

The applicant has appealed to DG, ASI for grant of permission for construction at Property No.A-91, Malviya Nagar, New Delhi. The site of construction falls in the prohibited area of Sarai Shahji, a protected monument at a distance of 84 m. The height of the proposed building is 13.41 m with 1.83 m. deep basement. S.A. has furnished an inspection report dated 23.11.2007 which provides following details –

Surrounding situation near the monument

**North:** Open area with residential buildings upto 3 – 12.50 m. height

**South:** Open area.

**East:** Residential buildings with 9 m to 12.50 m. height.

**West:** Residential buildings with 9 m – 12.5 m height.

Surrounding situation near the site of construction

**North:** Residential buildings with 12.5 m height

**South:** Buildings with 12.50 m. height.

**East:** Service lane

**West:** Main Road.

The proposal was explained by the officials of Delhi circle with the help of area map (showing the building already constructed on the individual plots including their height), photographs, relevant drawings and Google Earth image of the area. They also explained that height of the existing building is 10.2m whereas the applicant desired to reconstruct the building upto the height of 13.41m with 1.83m deep basement. The members took note of the fact that the height of majority of buildings in the area close to the site of construction is approximately 12.5m and there exists a main road on the west and a service lane on the east and hence the view of the monument shall not be obstructed if reconstruction permission is given by the ASI subject to the condition that the maximum height of the proposed building is restricted to 12.5m (i.e. height of the buildings existing in close vicinity) having ground, first and second floors with basement(-1.83m.).

**5. Permission for construction at Property No.J-1, South Extension Part I, New Delhi in the prohibited area of Dariya Khan's Tomb in respect of Smt. Bindu Chaudhary. (F.No. 24/40/2008-M)**

The applicant has appealed to DG, ASI for grant of permission for construction at J-1, South Extension Part-I, New Delhi, located in the prohibited area of Dariya Khan's Tomb, a protected monument at a distance of 85 m. S.A., Delhi Circle had rejected the request since the property falls in the prohibited area. The applicant has pleaded that his existing house is more than 40 years old and is now crumbling. She has further stated that there is a commercial complex between her house and the monument which is built upto 3 storeyes and even if she is given permission the view of the monument shall not be obstructed.

The officials of Delhi Circle gave a presentation on the proposal with all the relevant details with the help of photographs, area map, Google image and relevant drawings. They also explained the ground conditions informing that in between the monument and the construction site there exists a shopping complex and as such the view of the monument is not likely to be obstructed due to the reconstruction of the house proposed at the site. It was also explained that there are many buildings already constructed adjacent to the construction site.

After having perused the area map, Google image, site plan, photographs of the existing building and also those of the surrounding area from different angles in relation to the monument, the Expert Advisory Committee advised that the ASI may grant permission to the applicant for reconstruction of the existing house, which is claimed to be in dilapidated condition upto the maximum height of 12.30m (including mumty / parapet wall / water tank) since no visual obstruction is likely to be caused to the monument due to the reconstruction of the existing house with increase in the height. It must however be ensured that the top floor has only the mumty, watertank, and machine room, if any.

**6. Permission for construction at E-37, Panchsheel Park, New Delhi in the prohibited area of Siri Fort Wall in respect of Smt.Vandana Sachdeva and Smt. Sheen Bhatia. (F.No. 24/47/2008-M)**

The applicants, Smt. Vandana Sachdeva and Smt. Sheen Bhatia had applied for reconstruction of the residential building at Property No.E-37, Panchsheel Park, New Delhi on 11.1.2008 to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The application was rejected on 16.4.2008 since the

property is located in the prohibited area of Siri Fort Wall, a centrally protected monument at a distance of 52 m.

The applicants appealed the Director General, ASI on 22.4.2008 for grant of permission for reconstruction of the residential building after demolition the existing building. They propose to construct ground, first and second floors along with mumty/machine room with maximum height of 16 metres and 1.6m deep basement as per the drawings submitted. The height of the building is divided in two parts i.e. from ground level upto terrace is 12.11m and height of the mumty and machine room is 3.85 m.

The owners have submitted that the above property is surrounded by residential buildings with height upto 15 m. and between the site of proposed construction and Siri Fort Wall , the nearest centrally protected monument, there are many buildings with more than three floors and as such the view of the monument will not be affected if permission is given to them.

S.A., Delhi Circle has informed the surrounding situation as under:-

**North:** Residential building with 12m height.

**South:** Residential building with 7.5 m height.

**East:** Colony road and residential building with 15 m height.

**West:** Park.

The surroundings of the monument under reference is:-

**North:** Park.

**South:** Open land.

**East:** Extension of Siri Fort Wall.

**West:** Extension of Siri Fort Wall.

The officials of Delhi Circle gave a detailed presentation on the proposal explaining the ground condition in relation to the monument and the construction site with the help of area map with details of height of buildings already existing adjacent and in close vicinity, photographs, Google image and relevant drawings.

The members of the Expert Advisory Committee observed that since several buildings upto the height of 15m already exist on the plots adjacent to the site of reconstruction and the monument, grant of permission for reconstruction of the existing building upto the maximum height of 12m (including mumty / machine room / water tank), may not affect the view of the monument any further. They advised the ASI to grant permission to the applicant for

reconstruction of the existing building upto the maximum height of 12 m with basement. It must be ensured however that the top floor has only the mummy, water tank and machine room, if any.

**7. Permission for reconstruction of existing residential building at Property Nos.A-4 and A-5, Mayfair Garden, New Delhi located in the prohibited area of Makhdumi Mosque in respect of Mrs. Sheela Gehlot (F.No. 24/14/2008-M)**

The proposal was earlier discussed in the 14th meeting of the Expert Advisory Committee held on 28<sup>th</sup> March, 2008. In that meeting the members had desired a detailed survey to be done especially to collect details of properties which are located in the first row around the monument. It was also desired that height and number of floors of each building should be mentioned. S.A., Delhi Circle has undertaken a detailed survey and has furnished following details:-

	<b>Property Number</b>	<b>Floors</b>	<b>Approximate height</b>
East side of the monument	(i) A-16	Ground	5m 15m
	(ii) A-17	Ground+3+mumty	15 10m
	(iii) A-18	Basement+Ground+3+mumty	15m 12.5m
	(iv) A-19	Ground+1+mumty	
	(v) B-20	Basement +	
	(vi) B-21	ground+3_mumty Ground+2+mumty	
West Side of the monument	(i) A-3	Ground+1	10m
	(ii) Sub-Station	Ground+1	10m 12.50m
	(iii) C-45	Ground+2+mumty	6m
	(iv) C-44	Ground+1 room and mumty	6m 12.50m
	(v) C-43		14m
	(vi) C-42	Ground +1 room and mumty	
	(vii) C-41	Ground+2+mumty Ground+2+mumty	
North Side of the monument	(i) A-4	Ground+mumty	6m
	(ii) A-5	Ground+mumty	6m
	(iii) A-6	Baement+ground+2+mumty	15m
	(iv) A-7		15m
	(v) B-15	Baement+ground+2+mumty Ground+2	10m
South Side of the	(i) A-61	Grond+1+mumty	10m
	(ii) A-62	Ground+2+mumty	13m
	(iii) A-63	Ground+1+mumty	10m

<b>monument</b>			
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The members observed that majority of the buildings located in the front row facing the park are built upto second floor with mummy. It was noted that there is a buffer area between the monument and the site of construction by way of a park and road. The members advised that the ASI may grant permission for the reconstruction of ground, first with second floors with only the mummy / machine room / water tank, since the proposed reconstruction would not cause any further obstruction in viewing the monument.

**8. Permission for reconstruction at Property No.A-1/88, Panchsheel Park, New Delhi located in the prohibited area of Lal Gumbad in favour of Mrs. Raj Mago (F.No. 24/18/2006-M-Pt.)**

Mrs. Raj Mago was granted permission for construction of first and second floors at Property No.A-1/88, Panchsheel Park, New Delhi as per the decision taken by the Expert Advisory Committee in its XIIth meeting held on 11.2.2008. The property is located in the prohibited area of Lal Gumbad, a protected monument at a distance of 49.50 meters.

She has again appealed to DG,ASI stating that the MCD has refused to grant her permission for addition of first and second floors since the existing building is not sound enough to bear the additional load. She has further mentioned that the MCD has disallowed reconstruction since ASI's clearance does not specifically mention reconstruction of the building upto the height of 15 m. She has stated that immediately to the right of her property a three storeyed building already exists. She has requested that permission for reconstruction upto a height of 15 m may be granted to her.

The officials of Delhi Circle gave a detailed presentation on the proposal with the help of photographs, area map, Google image and relevant drawings before the members of the Expert Advisory Committee. It was noted that presently a single storeyed house exists at the site. The Expert Advisory Committee in its XIIth meeting held on 11.2.2008 had permitted the applicant to add up first and second floors over the existing building as per the request made by the applicant. The revised proposal is for construction of

ground, first, second, third and terrace floors with machine room and mumty besides stilt for parking and basement for domestic / house-hold goods upto the maximum height of 17.26m (including machine room / mumty). The height of the proposed building upto the terrace floor (excluding machine room / mumty) is 14.90m as per the drawings submitted.

The members of the Committee after examining the proposal in relation to other houses located in the close vicinity advised the ASI to accord permission for reconstruction of the house upto second floor only. However, the machine room and mumty could be constructed over the terrace with a total height restriction of 15m from the ground level. They added that ASI may consider granting her permission for stilt for car parking and basement for storage.

**9. Permission for construction of machine room, mumty and water tank at Property No.C-56, Mayfair Garden, New Delhi-110017. (F.No. 24/14/2007-M)**

Mrs. Amrit Sujan, B-14, Maharani Bagh, New Delhi has applied to DG, ASI for additional construction of machine room, mumty and water tank having a height of 5.20 m relaxing height restriction 15m. The existing height of the building is 10.97m with mumty, machine room and water tank over and above. She has further mentioned that her request for construction of third floor to the existing building is pending with S.A., Delhi Circle. The height proposed is 14.16m plus 6.40 meters for the proposed machine room and thus the total height of 20.20 m. She has requested for permission for higher construction to accommodate construction of machine room, mumty and water tank. The property is located in the regulated area at a distance of 114m from Makhdumi Mosque, a protected monument.

The members of the Committee felt that Delhi Circle of the ASI needs to furnish complete details of the case along with relevant documents. A decision in the matter was deferred.

**10. Permission for reconstruction at Property No.F-6, NDSE-I, New Delhi in favour of Shri Anil Bansal. (F.No. 24/48/2008-M)**

The applicant Shri Anil Bansal had applied for reconstruction of residential building at Property No.F-6, NDSE-I, New Delhi on 5.7.2005 to the S.A., Delhi Circle which was not

accepted because the property is located in the prohibited area of Kale Khan's Tomb, a centrally protected monument at a distance of 45 m. The applicant has now appealed to the DG, ASI for according permission for reconstruction of the residential building, after demolition the existing building up to the existing height i.e. 12.50 m.

The owner has submitted that the property is surrounded by residential-cum-commercial buildings having 15m height and between the site of proposed construction and Kale Khan's Tomb, the nearest centrally protected monument, there exist buildings with more than three floors and hence the view of the monument will not be affected if permission is given to him.

S.A., Delhi Circle has furnished following details-

**Nort:** Residential-cum-commercial building with 10.50 m height.

**South:** Residential building with 11m height.

**East:** Main Road and commercial building with 12.50 m. height

**West:** Lane and residential building with 12 m. height.

It was reported by Delhi Circle that during the inspection, the team of officers had observed that the building was constructed unauthorisedly earlier which has partly been demolished by the MCD. The monument is surrounded by a park, roads and buildings with 7 to 15 m. height.

The members of the Committee took notice of the observations of the officials of Delhi Circle of ASI that a part of the building constructed unauthorisedly has already been demolished by the MCD. They desired that the ASI may find out from the MCD why the building already constructed was partly demolished. They desired that the proposal may be re-submitted in the next meeting of the Committee with the requisite clarification from the MCD.

### **Kolkata Circle**

**11. Permission for construction of multi-storeyed office complex at 38, Hemanta Basu Sarani, Kolkata in the prohibited area of Currency Building. (F.No. 24/63/2007-M)**

The proposal for construction of a multi-storeyed complex at 38, Hemanta Basu Sarani, Kolkata submitted by NBCC was earlier placed before the **Expert** Advisory Committee at its 12<sup>th</sup>

meeting held on 11.2.2008. S.A., Kolkata had informed that the site in question had a dilapidated building which has since been demolished. S.A. further informed that the proposed construction falls within the prohibited area of “Currency Building” at a distance of about 20 meters. The request was turned down by S.A., Kolkata Circle. In the 12<sup>th</sup> meeting, the Committee members had advised the NBCC representatives to work out an alternate design for the proposed construction as the present design was likely to mar the ambience of the protected monument located just across the road.

Mr. S Baliga, Executive Director, M/s. NBCC made a detailed presentation on the new concept design before the members of the Expert Advisory committee. The concept design of the building with maximum height of 27.5 m was approved in principle by the members considering that the design is compatible to the architecture of Currency building, which is a centrally protected monument and by undertaking construction of the new building with this design the overall ambience will not be disturbed. They advised the ASI to accord approval of construction as per the proposed design in principle subject to the condition that detailed drawings should be submitted to the ASI for reference.

### **Mumbai Circle**

#### **12. Permission for construction of road networking and strengthening of Jogesvari-Vikhroli link Road, near Mahakali caves (Kondivite Caves). (F.No. 24/21/2008-M)**

The proposal is part of a World Bank approved project being executed by MSRDC and involves construction of a ramp on the southern side of the existing fly-over so as to facilitate the movement of vehicles to join the main road from the MIDC SEEPZ from the southern side. Presently, the vehicles have to take a circuitous route using the northern ramp. This has resulted in a number of road accidents.

Mahakali Caves (Kondivite Caves) are situated on a hillock and the proposed ramp is at the foot of the hill. The proposed ramp is at a distance of 75 m and involves cutting of the hill for a length of 20-25 mtrs up to a height of 2.50 mtrs. S.A., Mumbai had informed that the construction of the ramp shall not, in any way,

obstruct the view of the monument. The proposal was put up before the Expert Advisory Committee in its 13th meeting held on 20.3.2008.

During the 13th meeting, the members had expressed a view that more drawings needed to be provided showing the profile of the ramp with the hillock, nature of execution of work, etc., before the Committee could take a view on the proposal. The MSRDC has now submitted the details in this regard.

Based upon the observations of the Committee members and receiving fresh inputs. SA, Mumbai Circle presented the detailed drawings showing the profile of the ramp with the hillock and other related works explaining the details of the work to be executed. He also explained that the MSRDC has already carried out the work on the project beyond the prohibited area of the monument and MSRDC is now to carry out the work only in the prohibited area for which they are availing clearance from the ASI.

The members of the Committee took into account the requirement for execution of this project, and also that the ramp to be constructed shall come up only for a length of about 20-25 m in the prohibited area at a distance of 75m from the protected monument. They advised that ASI may accord permission for construction of the ramp on the southern side of the existing fly-over as they were satisfied that the construction of ramp shall not cause any adverse effect on the monument which is located on the hillock.

13. **Proposal of M/s Darshan Group in Parel, Mumbai for construction of Residential-cum-commercial complex at CS No.425 and 426 (F.No. 24/5/2008-M)**

M/s Darshan Group, Mazgaon Circle, Mumbai have submitted a proposal for construction of residential-cum-commercial complex at CS No.425 and 426 in Parel - Sewri Division, Mumbai under Slum Rehabilitation Scheme and Re-Development Scheme. The proposed plot bearing nos.425 and 426 is just abutting the sculpture shed where the loose bas relief of Siva has been kept. The site of construction falls in the prohibited area. SA, Mumbai Circle has informed that the monolithic bas relief depicting Siva, which is declared protected was discovered in 1931 by the workmen engaged in building of a road from village of Parel to Sewri in Bombay. It is now installed in a modern structure at a short distance from the site of its discovery. The priest of the Chandika Sansthan Trust looks after the Chandika Devi Temple as

well as the monolithic Siva image. S.A., Mumbai Circle stated that there is no information available about the origin of the image or exactly when the present shed housing the image was constructed. He further informed that recently, ASI has granted permissions for construction in respect of three similar proposals under SRA Scheme pertaining to M/s Dalvi, M/s Dasti Group and Rupji Associates, which were also coming in the regulated area of the monument (monolithic bas relief of Siva). S.A., Mumbai Circle stated that if the proposal is considered, the entire area will get rid of slums and shanties and it would be possible to have better civic amenities and well laid out complex, which will improve the surroundings of the protected sculpture. The developers have proposed a 12 mtrs. wide open space on all the three sides for environmental development and to give a facelift to the existing structure, where the bas relief is housed.

SA, Mumbai Circle made a detailed presentation on the proposal before the members of the Committee and mentioned that the applicant has submitted a revised proposal increasing the floors in both sale and rehabilitation buildings from Stilt +27 floors to Stilt +40 floors and ground +7 floors to ground +19 floors, under Slum Rehabilitation Scheme and Re-development Scheme, with total height of 139.210 m. and 63.320m. respectively and having a total area of 25000 sq. m. About 7500 people currently living in 1500 huts will be rehabilitated. He apprised the members that the entire area has been declared as slum by the Slum Rehabilitation Authority which is without proper drainage and sewage system. During monsoon season the area gets flooded. He explained the ground situation with the help of area map, photographs and drawings.

In view of the fact that the monolithic bas relief which is declared as protected is not in situ and was found at some other location during the construction of a road and is presently housed in a modern structure, the members of the committee observed that the ASI may grant permission for construction of buildings upto a total height of 139.210 m. and 63.320m. respectively as proposed by the applicant subject to the condition that the applicant leaves at least 25 m area around the modern structure housing the protected sculpture free from any construction activities and would maintain this area as green. They noted that construction of the buildings as proposed by the applicant, as the construction shall not cause any

adverse effect on the protected base relief housed in a modern structure but may instead improve the surroundings to an appreciable extent. Moreover, the buildings proposed to be constructed at the site is mainly to rehabilitate the slum-dwellers to improve better living condition and upgrade the ambience of the area.

**14. Permission for construction/addition proposal of Chandulal Talera of M/s Suparshwa Real Estates, Koregaon Park, Pune in the regulated area of Pataleshwar Caves, Pune. (F.No. 24/75/2007-M)**

Shri Chandulal Talera of M/s Suparshwa Real Estates Pvt. Ltd., South Court, South Main Road 12, Koregaon Park, Pune has submitted a proposal for construction/increasing the height of the existing building in C.T.S. No.1170/6, Bhanburda, Pune-411004. As per measurements verified by the ASI officials the distance of the building from the centrally protected monument is 142 Meters from Pataleshwar Caves, Pune. The existing height of the building is 18 m and permission has been sought for a further increase in the height upto 6m. The total height of the structure after increase in the height would become 24m.

SA, Mumbai Circle gave a detailed presentation on the proposal with the help of area map, photographs, relevant drawings and Google image. The members of the Committee after examining the proposal and the ground condition were not convinced with the request of the applicant and opined that ASI may not agree with the proposal to permit increase in the existing height of the building as the current height already exceeded the maximum permissible height of 15 metres in the first regulated area.

**Vadodara Circle**

**15. Permission for reconstruction in the prohibited area of Muhafiz Khan's Mosque in C.S.No.124, 125, 126& 127, Chapter-II, Ahmedabad in favour of P.O.A.H. of Shri Ahmed Hussain G. Shaikh and others, 'Big Wel' Vishal Complex, Ahmedabad. (F.No. 24/69/2007-M)**

The applicant has applied for reconstruction of a building in place of an existing building having a height of 6.65 m. (Ground + First Floor) at a site located in the prohibited area of protected

monument at a distance of 17 m. The permission has been sought for construction upto the height of 6.65m. Vadodara Circle has informed the surrounding situation and the approximate height of the existing buildings near the monument as under:-

Surrounding situation and approximate height of the existing building near monument

- **North:** Road & many residential/commercial building GF+1,2&3, Ht. 6.00 to 15.00 mts.
- **South:** Adjacent residential/commercial buildings GF+1&2, Ht.4.00 to 10.00 mts.
- **East:** Adjacent residential buildings GF+1,2&# Ht. 4.00 to 12.00 mts.
- **West:** Road & many residential buildings GF+1, ht. upto 8.00 mts.

Surrounding situation and approximate height of the existing building near proposed construction:

- **North:** GF+2 Ht. up to 10.00 mts.
- **South:** GF+1 (old type building), Ht. up to 7.00 mts.
- **East:** Road & GF+1, GF+2 (old type buildings) Ht. 7.00 to 10.00 mts.
- **West:** GF+1 ht. upto 7.00 mts.

Dy. SA, Vadodara Circle presented the proposal before the members of the Expert Committee members explaining the details of the request made by the applicant and the ground situation with the help of area map and photographs of the building to be reconstructed and the surrounding area.

The members observed that the building to be reconstructed is really in a bad condition and has developed cracks. They advised that the ASI may grant permission for reconstruction upto the maximum height of the existing building (ground + first floor) i.e. 6.65m.

**16. Permission for reconstruction of a building in the prohibited area of Saiyed Usman's Mosque and Tomb, Ahmedabad in F.P. No.30, T.P.S. No.3, Usmanpur, Ahmedabad in favour of Chairman, Kamar Education Trust. (F.No. 24/30/2007-M)**

The applicant has sought permission for construction of a building in an open area. The maximum height of the proposed construction is 9.23 m. (GF + 2, excluding parapet wall, Staircase Cabin (Mumty) and a overhead water tank). The height of the monuments named Saiyed Usman's Mosque and Tomb is 19.50 m. and 13.85 m., respectively. The site of construction is just adjacent to the protected area. The surrounding situation and approximate height of the existing building near the monument, as informed by S.A., Vadodara Circle are as under –

Surrounding situation and approximate height of the existing building near monument:

- **North:** GF+1,2&3, height 6.00 to 12.00 meters.
- **South:** Road & AMC Garden, Main Road & GF+1, 2 & GF+3, Height 6.00 to 15 meters.
- **East:** GF+2, 3 & High rise building GF+9, Height 9.00 to 30.00 mts.
- **West:** GF+1, 2 & 3, height 6.00 to 12.00 meters.

Surrounding situation and approximate height of the existing building near proposed construction:

- **North:** Road & GF+1 & GF+2, height 7.00 to 10.00 meters.
- **South:** School building GF+3 in part of F.P.No.30 Ht. upto 12.00 mts. and AMC garden & protected monument.
- **East:** Part of School building GF+3, Ht. up to 12.00 mts. In F.P. No.30 and GF, GF+1 Ht. 4.00 to 7.00 mts.
- **West:** GF+1 & 2 Ht. 7.00 to 10.00 mts.

Dy. SA, Vadodara Circle made a presentation on the proposal before the members of the Committee explaining the surrounding situation around the monument and the site of proposed construction. He informed the members that the property falls in the prohibited area and the distance between the monument and the construction site is 32m. The members observed that in between the monument and the site of construction there exists another 12m high building of a School.

The members expressed that there are many buildings existing in the close vicinity and as such construction of the construction of the School building as proposed upto the maximum height of 9.23m on the vacant area of School premises shall not further obstruct the view of the monument. They advised the ASI to grant permission for construction of the building restricting the height upto 9.23m.

**17. Permission for reconstruction of a building in the prohibited area of Bahlol Khan's Gazi's Mosque, Dholka, Ahmedabad in C.S. No.869 to 873, 875 & 876, Tika No.2, Dholka, Ahmedabad, in favour of Shri Abdul Karim Rasulbhai Ghandi and Shri Abdul Karim Nathubhai Ghandi, Ahmedabad. (F.No. 24/77/2007-M)**

The applicants have appealed to the DG, ASI to permit them for construction/reconstruction at the site of existing 3 metres high building (C.S. No. 869 to 873, 875 and part of C.S. No.876). The construction site is located in the prohibited area of Bahlol Khan's Gazi Mosque, Dholka, Ahmedabad at a distance of 0 m.

metres. The applicants desire to construct/reconstruct the building upto the height of 3.65 m. (Ground Floor only, excluding parapet wall, cabin and overhead water tank). S.A., Vadodara Circle has furnished following additional details -

Surrounding situation and approximate height of the existing building near monument

- **North:** Road & residential building GF, GF+1(N.E. side) & cinema complex ht. upto 8.00 mts.
- **South:** Adjacent lane & residential buildings GF ht. 4.00mts.
- **East:** Adjacent school building GF ht. 4.00 mts.
- **West:** Lane & residential building GF & GF+1 ht. 4.00 to 8.00 mts.

Surrounding situation and approximate height of the existing building near proposed construction:

- **North:** Adjacent school building ht. 3 mts. & commercial building (shop) GF ht. 3.00mts.
- **South:** Primary School, GF, height 3 mts. & residential building GF+1, height 6.00 mts.
- **East:** Road & commercial/residential building G.F. & GF+1 ht. 4.00 to 6.00 mts.
- **West:** Adjacent monuments protected area & old type building (Rice Mill) GF ht. 4.00 mts.

Dy. SA, Vadodara Circle made a presentation on the proposal submitted by the applicant informing that the construction site is just adjacent to the protected area and the applicants have already started the construction at the site.

The members of the Committee noted that the presentation did not contain adequate details as the photographs and maps shown are inadequate to assess the ground condition. They desired that more details need to be made available to take a view on the proposal. A decision on the proposal was deferred.

18. **Permission for construction in the prohibited area of Jami Masjid Bharuch in favour of Shri Amirbeg Nazirbeg Mirza, Malbari Darwaza, Bharuch in C.S. No.4596, Ward No.4.(F.No. 24/76/2008-M)**

The applicant has appealed to DG, ASI for according permission for construction in the prohibited area of Jami Masjid (Bharuch) at a distance of 6 m. The site where construction has been proposed is a vacant plot. The applicant intends to construct the building at the site upto a height of 3.80 m. (excluding parapet wall). S.A., Vadodara Circle has furnished following details.

Surrounding situation and approximate height of the existing buildings near monument

- **North:** Road & school building (GF+1), height upto 09.00 mts.

- **South:** Road & residential buildings (GF+1&2), height upto 12.00 mts.
- **East:** Road & residential building(GF+2) height upto 10.00 mts.
- **West:** Road & residential buildings (GF+1&2), height upto 12.00 mts.

Surrounding situation and approximate height of the existing building near proposed construction:

- **North:** Road & residential building (GF+1), height upto 07.00 mts.
- **South:** Open land of Khadi.
- **East:** Road & commercial/residential building G.F. & GF+1 ht. 4.00 to 6.00 mts.
- **East:** Open land, Road & residential building (GF+1), height upto 06.00 mts.
- **West:** Open land, Open land of Khadi & residential building (GF+1) height upto 06.00 mts..

Dy. SA, Vadodara Circle made a presentation before the Committee members with the help of some photographs and an area map. The members noted that the presentation did not contain the details required to take a decision on the proposal. They expressed that detailed documentation of the area, Google image and better area map indicating the height of the buildings existing in the area in close vicinity of the monument and site of construction may be made available for examination by the Committee. A decision on the proposal was deferred.

**19. Permission for construction in the prohibited area of Jami Masjid, Bharuch (C.S.No.4059, Ward No.4), in favour of Shri Ismile Suleman Multani, Bharuch. (F.No. 24/10/2006-M)**

The applicant has appealed to DG, ASI for granting permission for reconstruction of a building at the site of an existing 9 metre high building. The height of the proposed building is 6.90 m. (excluding parapet wall). The site of construction is located at a distance of 10 m. falling in the prohibited area of centrally protected Jami Masjid at Bharuch. The details furnished by S.A., Vadodara Circle are as under:-

Surrounding situation and approximate height of the existing buildings near monument

- **North:** Road & school building (GF+1), height upto 09.00 mts.
- **South:** Road & residential buildings (Gf+1 & GF+3), height upto 12.00 meters.
- **East:** Road & residential building (GF+2) height upto 10.00 mts

- **West:** Road & residential buildings (GF+1&GF+2), height upto 10.00 mts.
- Surrounding situation and approximate height of the existing building near proposed construction:
- **North:** Road & residential building (GF+1), height upto 07.00 mts.
- **South:** Road & residential building GF+2 height 9.00 mts.
- **East:** Road & Jami Masjid.
- **West:** Lane (Road) & residential Building GF+1 ht. 7.00 mts.

The presentation given by the Dy, SA, Vadodara Circle did not contain adequate details. The Expert Advisory Committee members opined that more documentation of the area surrounding the monument including photographs, Google image, better area map and other relevant documents is necessary to enable them to assess the existing situation. A decision on the proposal was deferred.

**20. Permission for construction in the prohibited area of Birth Place and House of Mahatma Gandhi, Porbandar, in favour of Shri Dhanji Velji Bharada (C.S.No.4807/B, Ward No.F). (F.No. 24/46/2006-M)**

Shri Dhanji Velgi Bharada has appealed to DG, ASI for according permission for construction of a 9.76 mt. high building at the site of an existing 4 meter high building. The distance between the construction site and the protected monument, Birth Place and House of Mahatma Gandhi, is 24 m. S.A., Vadodara Circle has furnished following details.

Surrounding situation and approximate height of the existing building near the monument

- **North:** Adjoining Kirti Mandir(GF+1) & Open Chowk, height upto 10.00 mts.
- **South:** Haveli building GF+2, height upto 10.00 meters.
- **East:** Haveli building, height upto 10.00 meters & road & residential/commercial building GF+1, height upto 8.00 meters.
- **West:** Open chowk, Rasta & residential buildings GF+1+2, height upto 9.00 meters.

Surrounding situation and approximate height of the existing building near proposed construction:

- **North:** Residential building GF+1, height upto 7.00 mts.
- **South:** Lane and residential building GF & GF+2, height 4.00 to 9.00 meters.
- **East:** Road & open land.
- **West:** Residential building GF+2, height upto 9.00

Dy. SA, Vadodara Circle made a presentation on the proposal with the help of photographs and area map. He informed the members that the applicant has already constructed the house at the site without obtaining permission from the ASI, despite notices issued to him for violation of the provisions of the AM&ASR Rules, 1959 and Notification issued in 1992. It was further informed by him that even the State Govt authorities had taken no action against the applicant to stop the construction. The members of the Committee observed from the photographs of the surrounding area that the monument is surrounded by modern constructions and hence no further obstruction in viewing the monument is likely to be caused because of this construction. They desired that the ASI may consider granting *ex-post facto* permission to regularize the structure already constructed.

**21. Permission for construction of a house in the prohibited area of Old Dutch Armenian Tombs and Cemeteries, Surat in favour of Shri D.M. Christian, Partner of M/s Paradise Surat (C.S.No.1165/A/1 & 1165/A/4 (Part), Ward No.7, Surat. (F.No. 24/70/2007-M)**

The applicant has applied for construction on a vacant plot which falls in the prohibited area of Old Dutch and Armenian Tombs and Cemeteries, a centrally protected monument, at a distance of 43 m. from the monument. The height of the proposed building is 12 m. (Ground floor +3), which does not include parapet wall, Staircase Cabin (Mumty) and over-head water tank. Further details furnished by Vadodara Circle are as under:-

Surrounding situation and approximate height of the existing building near monument

- **North:** Residential buildings GF+1, 2&3 height, 8.00 to 15.00 meters.
- **South:** Road & residential building GF+1&2, height 8.00 to 12.00 mts.
- **East:** Road & residential building GF+1,2&3, height 8.00 to 15.00 meters.
- **West:** Adjacent commercial building, GF & Residential building GF+1&2, height 4.00 to 12meters.

Surrounding situation and approximate height of the existing building near proposed construction

- **North:** Road, adjacent residential building GF+3, height upto 15.00 meters & residential GF&GF+1&2, ht. 8 mts.
- **South:** Adjacent residential building GF+3 height 15 meters, Road & GF residential building ht. 4.00 meters.  
**East:** Road & residential building (GF+2), height upto 10.00 mts
- **East:** Adjacent commercial building GF+2 height 12 meters & NE Corner residential GF+3 ht. 15 meters.

- **West:** Adjacent commercial building (shed) & GF height 5 meters.

Dy. SA, Vadodara Circle explained the proposal with the help of some photographs and an area map. The members felt that further documentation, including photographs, better area map, Google image and more documents, are required to evaluate the proposal. A decision on the proposal was deferred.

**22. Permission for construction in the prohibited area of Rahimat (Bibi) Masjid, Mangrol, Junagadh in favour of Shri Navneetal Mohanlal Sirodariya (Plot No.2/P&5 CS No.7809/P, Mangrol, Junagarh). (F.No. 24/78/2007-M)**

The applicant has applied for construction on a vacant plot located in the prohibited area of Rahimat (Bibi) Masjid, Mangrol, at a distance of 90 m. The height of proposed building is 7 m. (GF+1), excluding parapet wall, and staircase cabin. SA, Vadodara Circle has furnished following additional details:-

Surrounding situation and approximate height of the existing building near monument

- **North:** Open land.
- **South:** Open land.
- **East:** Road & open area & garden.
- **West:** Mangrol Mill compound GF, Ht. 5.00 to 7.00 mts.

Surrounding situation and approximate height of the existing building near proposed construction

- **North:** Road & Open land.
- **South:** Open plot & GF, ht.4.00 mts..
- **East:** Open plot, Road & Mangrol Mill compound & GF,Ht.5.00 to 7.00mts.
- **West:** Adjacent GF, Ht. 4.00 mts.

A presentation on the proposal was made by the Dy. SA, Vadodara Circle. He explained with the photographs that a large mill building exists in between the monument and the construction site. The members of the Committee after perusing the area map and photographs observed that the view of the monument shall not be blocked due to the proposed construction since a large mill building is located between the monument and construction site. They advised the ASI to consider granting permission for construction of a building upto the maximum height of 7m comprising ground and first floors.

**23. Framing of Guidelines for grant of permission in the prohibited area of protected monuments for construction and development activities.**

Due to paucity of time no discussion could take place on the issue.

Director (M)

Copy to:

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2. Prof K.T. Ravindran, Dean, School of Planning & Architecture, 4B, I.P. Estate, New Delhi-110002.
3. Prof M. Shahir, Landscape Architect, DUAC, 167/8, Sarai Julena Okhla Road, New Delhi-110025.
4. Shri Jagatpati Joshi, Former DG, ASI, 134, Venus Apartment, Inder Enclave, New Delhi-110087.
5. Shri Gautam Bhatia, Architect, A-29, Golmohar Park, New Delhi.
6. PS to DG, ASI, New Delhi.
7. PS to ADG, ASI, New Delhi.
8. PS to Jt.DG, ASI, New Delhi.