

Minutes of the 21st 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 Friday, 22nd May, 2009 at 3.00 p.m. in the Conference Room, Office of the Director General, Archaeological Survey of India, Janpath, New Delhi.

In the meeting following members of the Committee and officers from ASI and other agencies were present.

1. Prof. Narayani Gupta - Member, EAC
2. Prof. Mohd. Shaheer - Member, EAC
3. Prof. Subir Saha - Member, EAC
4. Shri A.R. Ramanathan - Member, EAC
5. Dr. R.S. Bisht - Member, EAC
6. Shri A.G.K. Menon - Member, EAC

Officers from ASI, DMRC, MSPGCL, Punjab Tourism, Delhi Jal Board, CRCI and DDA

1. Shri Pravin Srivastava, Addl. D.G., ASI
2. Shri K.P. Poonacha, Jt. DG (P), ASI, Janpath, New Delhi.
3. Shri C. Dorje, Director (Monuments)
4. Shri A.K. Sinha, S.A. (M)
5. Shri V. Bakshi, Asstt. Director (M)
6. Shri T.J. Baidya, SA, Kolkata Circle
7. Shri G.S. Narsimhan, SA, Mumbai Circle
8. Shri K. Veerabhadra Rao, SA, Aurangabad Circle
9. Shri S.N. Kesarwani, SA, Chandigarh Circle
10. Shri S.V.P. Halakatti, SA, Bangalore Circle
11. Shri V.K.Swarnkar, Dy. SA, Delhi Circle
12. Shri Jasmer Singh, Surveyor Officer, Chandigarh Circle
13. Shri A.K. Kaushik, Asstt. Archaeologist, Chandigarh Circle
14. Shri P.G. Naphade, GM(C), MSPGCL Paras
15. Shri R.P. Bhole, Architect, MSPGCL
16. Shri G.M. Tulankar, CGM (C), MSPGCL
17. Shri Surinder Bajaj, Dy. Director, Tourism, Chandigarh
18. Ms. Sonali Roy, Conservation Arch., CRCI
19. Shri Harish Kumar, Punjab Tourism, New Delhi
20. Shri Bhavesh Singh, for Kartik Enterprises, Mumbai
21. Shri S. Ranadive, Sion Fort Project, Mumbai
22. Shri G.M. Joshi, Delhi Jal Board, Delhi.
23. Shri R.M. Raina, DMRC, Metro Bhawan, New Delhi.
24. Shri Prithwish Gupta, STUP Consultants architect for DMRC.
25. Shri R.S. Rana, AO
26. Shri Rajender Prasad, W.A.Gr.I
27. Shri Gopal Singh, LDC

In the meeting following cases were examined -

AGRA CIRCLE

1. Permission for re-construction in the prohibited area of protected monument in favour of Seth Ratan Lal Entertainment Pvt. Ltd., 1, Prakash Enclave, Agra.(F.No.24/198/2008-M)

The applicant has appealed to DG, ASI for grant of permission for re-construction of a commercial building at the site of Cinema Hall, which is not under operation because of its dilapidated condition. The existing building, according to the applicant, is about 35 years old and may fall down any time and cause an accident. He has stated that his request for re-construction was turned down by SA, Agra Circle since the site falls in the prohibited area of Jhun Jhun-ka- Katora, a protected monument. He has pleaded that the re-constructed building shall not cause any obstruction to viewing of the monument. He proposes to re-construct the building upto the height of the existing building i.e. 16.73 m.

SA, Agra Circle has informed that many buildings upto the height of 12 m exist in close vicinity of the monument including the District & Session Court buildings. A road with a width of about 14 m also exists between the monument and the site of the proposed reconstruction. The applicant intends to reconstruct the building upto a height of 16.73 m with lower-ground, upper-ground, first and second floors besides the mummy over the terrace.

SA, Agra Circle had presented the case with the help of photographs, area map, site plan and Google Earth image before the Committee in its 19th meeting. The Committee had observed that re-construction of the building which appeared to be in good state as per the photographs presented, would not be in the interest of the monument. It recommended that the request may be rejected by the ASI.

The applicant has again appealed for reconsideration of his proposal and contends as under –

- i) The property under reference i.e. the site of existing Cinema Hall where the reconstruction of the commercial building has been proposed is located at a distance of about 50 m from the monument if the distance is measured from the monument to the site of the proposed commercial building. Reasonably, the distance between the two should not have been measured from boundary to boundary but instead from the protected area to the exact site where the construction is proposed since the entire plot is not being used for reconstruction. Only a part of the plot on the extreme rear is to be used for construction.
- ii) There is a 60 feet wide road between the boundary wall of the monument and District & Session Judge Court and his plot.
- iii) The monument is located within the premises of District and Session Judge Court wherein a huge three-storeyed building, which has recently been constructed on the north of the monument exist. Another building within the court premises exists next to the monument on the east. On the east, west and south of my plot there exist a large number of buildings which may be seen from the Google Earth image. These buildings are 3 to 4 storeyed. In fact, the entire area around my property is densely populated.

- iv) I have requested for the construction of commercial complex only upto the height of the existing Cinema Hall building and not even an inch more. Even the plinth area of the proposed building is also almost of the same dimension.
- v) I am abiding the bye-laws of the Municipal Corporation of Agra as well as the Agra Development Authority.
- vi) Since the existing building is in dilapidated condition as already informed, the same cannot be now used as Cinema Hall keeping in view the safety of the people. It has to be demolished in any way since the building is about 50 years old and has out lived.
- vii) I have enclosed a set of photographs along with Google Earth image which shall explain clearly the present status of the surroundings. I once again reiterate that the proposed building at the plot shall in no way cause any obstruction in viewing the monument.

Decision

Since SA, Agra Circle could not attend the meeting and explain the matter, the case could not be discussed by the Committee. It was decided that the matter may be placed before the Committee in its next meeting.

AURANGABAD CIRCLE

2. Permission for construction of Barrage near Chhatri, Balapur, Dist. Akola. (F.No.24/125/2008-M)

SA, Aurangabad Circle has forwarded a proposal received from Maharashtra State Power Generation Company Ltd., Balapur, Distt. Akola for the construction of a barrage near Chhatri, a protected monument (distance 180 m). The proposal involves the following components of construction –

- (i) Construction of the barrage (height 8.3 m) at a distance of 180 m.
- (i) Construction of retaining wall from barrage upto the monument.
- (ii) Protection wall around the monument.
- (iii) Railing around the monument
- (iv) Concrete lining / pitching from the monument upto the barrage.
- (v) Development of the area close to the monument.

SA, Aurangabad Circle has recommended the proposal with the following observations / suggestions:

1. Water will be impounded by constructing the barrage.
2. A retaining wall from barrage up to Chhattri and beyond should be constructed at a distance of 10 mtrs. away from the monument with a height equal to the bridge and the space between retaining wall and the bank must be filled and levelled with boulders. A railing must be provided on the retaining wall for the safety of tourists.
3. The surrounding land of the Chhattri must be levelled after giving strength to the foundation of monument from river side and access should be provided from west.
4. During the digging for foundation of the barrage, blasting must be avoided.
5. No other construction near the monument upto a distance of 100 mtrs. from the protected limit of the monument will be allowed.

6. The construction work of retaining wall & other beautification works surrounding the monument must be executed under the guidance of Archaeological Survey of India.

On perusal of the proposal it is observed that no construction is being undertaken in the prohibited area of the monument. The aspect related to safety of the monument in case of flash floods when the water is released from the barrage during heavy rains needs to be taken care of. Since SA, Aurangabad Circle did not send the required details nor was present to explain the proposal to the EAC in its meeting held on 8.9.2008, the matter was deferred. The Committee had desired that the SA should be asked to submit the details for its consideration in its next meeting.

SA, Aurangabad has subsequently submitted the details of the proposal. Maharashtra State Power Generation Company Ltd. has also submitted a report on archaeological impact assessment done by a Conservation Architect.

SA, Aurangabad Circle made a Power Point presentation on the proposal. He further informed that MSPGCL authorities have already carried out substantial amount of work under the Project.

Decision

The Committee after detailed deliberations felt that construction of the barrage would also be in the overall interest of the monument and local tourism.

The proposal was recommended for clearance subject to the following conditions:

- i) The retaining wall for the protection of the monument should be designed by an expert appointed by ASI at the cost of the Project/MSPGCL. It should be designed as a stepped retaining wall.
- ii) The landscape plan submitted by MSPGCL needs to be re-looked. ASI may send a panel of landscape architects to MSPGCL who have experience of landscaping at natural and heritage sites. The Project authority should select an architect out of the panel.
- iii) The drawings prepared by MSPGCL are sketchy. Proper drawings should be prepared by them and submitted to ASI.

3. NOC for construction of bridges across the rivers (i.e. Man & Mahais) in Akola District near the Balapur Fort, Dist. Akola, Maharashtra State) (F.No.24/173/2008-M)

Maharashtra State Power Grid Company Ltd. has requested the ASI for grant of permission for the construction of bridges across of the rivers Man and Mahis in District Akola. The sites of construction of the bridges fall in the prohibited and regulated areas of Balapur Fort. SA, Aurangabad Circle has examined the proposal and has furnished the following details about the three bridges -

- Bridge No.1 (from Baladevi side to Mosque side) falls within prohibited and regulated area.
- The proposed construction area is located at a distance of 95 m from the monument towards the south across the Man river.
- Height- 4.15 m
- Length- 104.175 m

- Width- 6.95 m
- Floor wise Area- 724.00 sq.m
- Bridge No.2 (from Gazipura side to Tahasil side) falls within regulated area
- The proposed construction area is located at a distance of 185m from the monument towards the southwest across the Mahish river
- Height- 5.54 m
- Length- 91.76 m
- Width- 7.75 m
- Floor wise Area- 711.00 sq. m
- Bridge No.3 (from Gazipura side to tahasil side) falls within regulated area
- The proposed construction area is located at a distance of 295 m from the monument towards the northwest across the Mahish river
- Height- 5.43 m
- Length- 72.20m
- Width- 6.80 m
- Floor wise Area- 491.00 sq.m
- Other Features-Normal RCC Bridge
- Ground Condition
- No structure exists around the monument
- No structure is located around the proposed sites of construction
- A road connects the proposed second bridge, first bridge and the monument on the eastern side.

This matter came up for consideration of the Committee in its meeting held on 22.1.2009. ASAE of the Circle made a presentation but the Committee did not find it satisfactory. The Committee had desired that SA, Aurangabad Circle should submit fresh drawings showing exact location of the proposed bridges and other details to facilitate proper examination by the Committee. The decision on the subject was deferred.

SA, Aurangabad explained the proposal in detail through a power point presentation before the Committee. The Committee made the following observations:

- i) The project authorities should have submitted drawings and photographs of all the bridges existing as well as proposed to be constructed to facilitate proper appreciation of the matter.
- ii) A careful approach should have been adopted by the project authorities in taking up the bridges construction works in the close vicinity of the monument.

Explaining the rationale behind taking up construction of the three bridges, the project authorities stated that with the construction of the barrage at Balapur, there would be flow of water in the river through out the year and hence construction of the three bridges would be essential for the public convenience.

The Committee desired that ASI may seek the following documents from the project authorities to examine the matter in perspective.

- (A) Cultural Impact Assessment report which should be prepared by a responsible agency like NEERI.
- (B) Scale map of the area covering the proposed sites of the bridges, habitation, and the protected monument since the Google Earth images are inadequate to explain the ground conditions.

- (C) Master Plan of the town.
- (D) Existing lay out plan of the town.

Decision

The Committee observed that the authorities have already taken up the construction of the bridges even without obtaining the explicit permission of ASI under the AMAS&R Act, 1958. It desired that ASI may take up the matter with higher authorities in the Govt. of Maharashtra to get the ongoing construction activities stopped forthwith. The construction should be started only after ASI has given permission for it.

The decision on the proposal was deferred.

4. Request for construction of Ghat on Zarpat River, near Anchaleshwar Mandir, Chandrapur – Regarding.(F.No.24/3/2009-M)

SA, Aurangabad Circle has submitted a proposal received from Shri Hans Raj G. Ahir, Member of Parliament, Chandrapur for grant of permission for construction of Ghats on both the banks of river Zharpat near Anchaleswar Temple and Gondraja's Tomb, both centrally protected monuments. It has been informed that the construction of Ghats has been proposed at a distance of 50 m from the monument. The proposal involves construction of steps on the banks of the river. While the Ghat proposed on the right bank is just adjacent to Anchleswar Temple the Ghat is along the enclosure wall of Gondaraja's Tomb on the left bank. The height of the Ghat is 2 m, width 41 m and length 200 m. SA has informed that the construction on Ghat is in public interest. SA has, however, suggested that the following conditions may be imposed on to the applicant while granting permission –

- i) The applicant may be asked not to undertake any other construction at the site.
- ii) No blasting shall be done at the site.
- iii) The beautification of the surroundings of the monument shall be undertaken in consultation with the ASI.

SA has recommended the proposal.

A power-point presentation was made by SA, Aurangabad Circle on the proposal with the help of photographs and area map. He also informed that the Ghats along the river banks are to be constructed in concrete and the purpose is bathing in the river.

Decision

The Committee, after detailed deliberation, observed that –

- a) The Ghats should have been planned in continuity.
- b) Planning and design of the Ghats should have been got prepared with the help of a conservation architect.
- c) Ghats should be redesigned to gel well with the protected monument.
- d) Fresh drawings for the Ghats should be submitted for the examination of the Committee.

The decision on the proposal was deferred.

BHUBANESWAR CIRCLE

5. Permission for construction activity in Kedareshwar Mouza of Thana- Choudwar, Dist.Cuttack, Orissa by OSHB. (F.No.24/148/2008-M)

The site for construction of HIG, MIG and LIG houses and underground reservoir falls in the protected area of Ancient Site at Choudwar in District Cuttack. The distance between the excavated remains and the site of construction is about 566 m. SA has not recommended grant of approval to the proposal.

Decision

Since neither SA, Bhubaneswar nor his representative attended the meeting, the subject was deferred.

6. Appeal against the order of the ASI, Bhubaneswar for the construction of residential building on the Plot No.193 & 194, Jagamara, Bhubaneswar. (F.No.24/171/2008-M)

A report from SA is awaited.

Decision

Since neither SA, Bhubaneswar Circle nor his representative was present, the decision was deferred.

7. Permission for construction of commercial and residential building property at Puri-Orissa near Atharnala Bridge in r/o Shri Prafulla Kumar Mallik and Shri Pradipta Kumar Mallik. (F.No.24/94/2008-M)

The applicant had appealed to DG, ASI to allow him construction of a commercial-cum-residential building at his plot which falls in the prohibited area of Atharnala Bridge. It is at a distance of 50 m from the bridge. His request to Bhubaneswar Circle for grant of permission had been rejected by the SA on 27.5.2008.

SA, Bhubaneswar Circle in his report had stated that there is no building adjacent to the plot. However, some single storeyed and double storeyed buildings exist in front of the plot. The details of the proposed constructions are as under –

- a) Height : 6.7 mtrs. (G+1)
- b) Floor wise area : Ground Floor 3632 sq. ft.
First Floor 3632 sq. ft.

The Committee in its meeting held on 8.9.2008 had observed that the site of construction appears to be part a Nalla. It had felt that such natural features are normally owned by the Govt. whereas the appellant claims that the plot is owned by him. The Committee noted that in the entire depression of the Nalla there is no building in existence. It desired that the ASI may check up with the Revenue authorities the ownership of the plot. The case was accordingly deferred.

SA, Bhubaneswar has since checked with the revenue authorities. The Addl. Sub Collector, Puri has informed him vide his letter dated 6th November, 2008 that the ownership of Hal Plot no.4/1559, Khata No. 244(P) measuring an area Ac.200 dec. has been settled in favour of Sri Pradipta Kumar Mallik vide an order in Appeal case No.325/06 of the then Settlement Officer, Cuttack. During previous settlement the classification of the land was “Pokhari” and this classification has been converted to Kisam Gharabari (Head stead). The incorporation of the term “Gharabari” in the record of right is by virtue of the order dated 6th July, 2007 passed in Appeal Case No.325/2006. The Addl. Sub Collector, Puri had also intimated that in the larger interest of protecting places of antiquity and ancient monuments, the implementation of the order dated 6th July, 2007 passed in Appeal Case No.325/2006 is likely to be stayed and invalidated by the appropriate judicial authority.

The contents of the letter of Addl. Sub Collector forwarded by SA, Bhubaneswar Circle were read out before the Committee. The Committee recommended that the ASI may reject the request of the applicant since no other structure exists between the monument and the site of construction or even in its vicinity. It also noted that the nomenclature of the land is ‘Gharabari’ whereas the applicant wants to raise a commercial-cum-residential building at it. It was felt that the proposed construction will disturb the ambience of the monument and hence the request of the applicant deserves to be rejected. The decision of the Committee was conveyed to the SA, Bhubaneswar Circle.

The applicant has again appealed to DG, ASI for grant of permission for construction of a building at the plot with the plea that he would construct only a residential building and not residential-cum-commercial since the land is Kisam Gharbari.

Decision

Since neither SA, Bhubaneswar Circle himself nor his representative was present, the matter was deferred.

BANGALORE CIRCLE

8. ASI clearance for the Metro Rail alignment near Tippu Sultan Palace premises submitted by the Managing Director, Bangalore metro Rail Corporation Ltd., Bangalore. (F.No. 24/60/2009-M)

Underground alignment of Bangalore Metro Rail is passing close to the two centrally protected monuments namely, Tipu Sultan Palace and Tipu Sultan Fort. The alignment is 56.9 mtrs away from Tipu Sultan Palace and 37.4 mtrs from Tipu Sultan Fort. In respect of a proposal from M/s Bangalore Metro Rail Corporation Ltd. (BMRCL) seeking ASI’s clearance for the alignment, SA, Bangalore Circle advised for the following:

- a) To understand the likely impact of vibration during underground tunnelling and other construction on the two monuments when the trains start operating.
- b) To undertake GPR survey for identifying archaeological structures along the proposed alignment so that they are excavated out before the construction is undertaken.

SA, Bangalore Circle informed that BMRCL has got noise and vibration study done with the help of National Physical Laboratory (NPL), New Delhi who have done similar study in respect of Delhi Metro. The GPR survey has been done by the National Institute of Rock Mechanics (NIRM), KGF at the behest of BMRCL. Their observations are as under:

- **The calculated Metro induced noise and structural vibration at the receiver end located 40 mtrs from the ground track is well below the criteria/standards specified for the historical monument.**
- **Going by the trend of reflections from the sub surface along the profile segment, presence of any object or site of archaeological importance is ruled out in this stretch.**

The Managing Director (BMRCL) made a power point presentation on the proposal with the help of Google Earth Images and drawings and photographs. He submitted that in view of the said reports of NPL and NIRM, it may be appreciated that the Bangalore Metro is not going to cause any damage to the two centrally protected monuments. Representatives of NPIL and NIRM were also present who explained their reports to the Committee in greater detail.

Decision

After detailed discussion, the Committee recommended for grant of in principle clearance to BMRCL for the construction of the underground segment subject to the following conditions:

1. The soil profile collected by NIRM during the course of study should be made available to ASI for reference and record.
2. BMRCL should examine whether construction of a tunnel for the alignment would result in increase of water level which would be detrimental to the monument.
3. BMRCL should examine the recommendation of NPL for increasing the thickness of the tunnel so as to rule out any adverse impact on the monuments.
4. BMRCL should furnish detailed drawings of the tunnel to ASI after it has been finalized.
5. An experienced archaeologist, recommended by SA, Bangalore Circle, should be engaged by BMRCL to oversee the tunnelling operations.
6. Remedies suggested by NPL for the safety and security of the monument must be examined in detail by BMRCL in conjunction with ASI.

CHANDIGARH CIRCLE

9. Development of Omaxe Novelty Multiplex cum Shopping Mall on Mall Road, Amritsar. (F.No.24/168/2008-M)

M/S Omaxe has appealed to the DG, ASI for grant of permission to complete the construction of the commercial complex and to raise the height of the building upto 29.75 m as per the building plans approved by the Municipal Corporation of Amritsar. The applicants have stated that the site of construction falls in the regulated area of Maharaja Ranjit Singh Summer Palace, Company Bagh Complex at a distance of 127 m. It has been stated that Chandigarh Circle of the ASI had granted permission for construction of the complex on 28.7.2007 upto the height of 15 m with 2 basements. It has been further submitted that while the construction work was in progress i.e. prior to issue of NOC by the ASI, the officials of Chandigarh Circle

approached their Site Office and directed that NOC is required for undertaking construction since the property falls in the regulated area. The directions were immediately complied with. But, Chandigarh Circle gave the permission for construction only upto the height of 15 m, despite the fact that there are many multi-storeyed buildings surrounding the applicant's property well within 100 m of the boundary wall of the monument. The applicants have submitted photographs explaining the ground condition impressing upon that the construction of the complex upto the height of 29.57 m shall not disturb the present sky-line any more.

SA, Chandigarh Circle has informed that the applicant has violated the licence granted to him and has increased the height of the building to 18 m from the ground level with three-storeyed basement whereas permission was granted for construction upto 15 m and two basements only. He has further informed that the construction at site had started without obtaining prior permission from the ASI. The applicants approached ASI for grant of licence after a show-cause notice was served upon to them on 14.3.2007. On observing that the applicants are raising the height of the building beyond the permitted height they were asked to stop the work on 29.1.2008 but the work continued and no heed was given on the direction. SA even had asked the applicants to appear in his office on or before 30.6.2008 to explain as to why they have violated the conditions, failing which the licence issued shall be cancelled. But again none from the applicant's side responded which ultimately led to withdrawal of the licence on 3.7.2008 under intimation to all concerned followed by a request to DG, ASI to issue demolition order.

SA, Chandigarh Circle made a power-point presentation before the Committee on 22.1.2009 and also explained the background of the case with the help of a few photographs. The Committee observed that with the kind of documentation done by SA, Chandigarh Circle, it is not possible to take a decision on merits of the case. It therefore, recommended that the SA, Chandigarh Circle may be asked to undertake better documentation of the monument, open spaces, existing buildings, etc. Besides, an area map showing the buildings already existing with their respective height should be prepared to explain the ground condition. The decision on the proposal had accordingly been deferred.

Decision

The matter was again put up before the Committee wherein Director General mentioned that on 10th June, 2009 he is visiting Amritsar and would like to inspect the area around the monument to equip himself with the ground conditions.

The decision or the appeal was hence deferred.

10. Request for development of Bhatinda Fort by Department of Tourism, Govt. of Punjab. (F.No.24/162/2008-M)

SA, Chandigarh Circle has submitted his comments on the proposal for development of Bhatinda Fort on the basis of his inspection of the monument to enable the Committee to take a decision the proposal submitted by the Govt. of Punjab. He has submitted that the proposal has following components –

- i) Peripheral pathway within Bhatinda Fort
- ii) Repairs and conservation of central historic pathway inside the Fort
- iii) The soft landscaping
- iv) Visitor amenities like facilitation, interpretation centre inside the Fort.

- v) New building intervention temporary and reversible. Under this item open air theatre, the pantry shed and multipurpose rooms are proposed for the commercial purposes and sound and light programme.
- vi) Structural repairs to the gateway complex and adjacent bastions of Bhatinda Fort which houses painted chamber.
- vii) Functional activities of pilgrims related to the Gurudwara inside the Fort.
- viii) Component to encourage, association values under this item providing of signage and murals, lighting, illumination, sound and light programme.

SA, Chandigarh Circle explained the proposal through a power-point presentation to the Committee on 22.1.2009. The Committee desired that the Department of Tourism, Government of Punjab may be requested to make a power-point presentation on their proposal before the Committee in the next meeting.

Decision

A power-point presentation was made by the Conservation Architect engaged by Punjab Tourism Department on the proposal. The Committee felt that the proposal is sketchy and lacks details. It desired that a detailed proposal should have been submitted by the Punjab State Tourism Department. The Committee, however, agreed to the proposals on soft landscaping to be done by the Horticulture Branch of ASI, visitors amenities like facilitation centre, toilet blocks and drinking water, structural repairs to the gateway complex and adjacent bastions of the Fort to be undertaken by Chandigarh Circle of ASI out of the funds to be made available by the Punjab State Tourism Department. In respect of open air theatre, pantry shed and multi-purpose rooms, the Committee was of the opinion that the ASI may not agree to permit such constructions within the protected monument.

DELHI CIRCLE

11. NOC for commercial development on Plot No.8, Jantar Mantar Road in favour of Delhi Metro Rail Corporation Ltd. (F.No.24/49/2009-M)

DMRC has approached DG, ASI for grant of permission for construction of an office building on Plot No.8 near Patel Chowk Underground Metro Station and tunnel. It has been informed that the office building is an important component of DMRC's Property Development Programme.

The proposal is for construction of a commercial building with a maximum height of 50 m along with 9.65 m deep basement. The nearest point of the plot line is 160m away from the protected limit of Jantar Mantar and the actual site of proposed construction is located in the second regulated area i.e. beyond 200mts. from the protected limit. Since Superintending Archaeologist is not empowered to issue permission for the construction of building beyond 50 m height in the 2nd regulated area, the proposal has been forwarded to the Director General for consideration.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road
South	Ansal residential complex with 15m height

East	Jantar Mantar Road and building with 12.50m height
West	Lane and Jeevan Vihar Bldg. with 20m height (approx.)

He has further informed that the comments of Director, Nehru Planetarium was sought on the proposal since the monument under consideration is an astronomical observatory. The Director has stated that the location under consideration, is at an Azimuth of about 200 degrees relative to the southern Ram Yantra (which would be the worst effected) and would be at an altitude of about 11 degrees as viewed from inside the southern Ram Yantra. In its maximum southward swing, the Sun is not present at this range of Altitude and Azimuth and its visibility will not be affected by the proposed building, from the observatory. In its maximum southward swing, the Moon is placed just a little above the region of the sky that would however, be obstructed by the proposed building.

Decision

The Committee opined that DMRC may approach the Director, Nehru Planetarium to get a detailed study conducted on after construction effects on Jantar Mantar, if ASI agrees to allow construction of 50 m high huge construction in the second 100 m of the regulated area of Jantar Mantar. The decision on the appeal made was deferred.

12. Issue of NOC for the Development of work at Satpullah Lake Complex submitted by Executive Engineer, South Eastern Division-5, DDA, Sarita Vihar, New Delhi.(F.No.24/62/2009-M)

The SA, Delhi Circle has informed that the Executive Engineer, DDA has requested him to defer the matter for the next meeting because it will take about 7 days to further comply with the requisite information.

Decision

Since none from DDA was present to give power-point presentation, the matter was not discussed in the meeting.

KOLKATA CIRCLE

13. Request of Shri Ramakanta Chakrabarty, The Asiatic Society, 1, Park Street, Kolkata- 16 for construction of Additional floors in the new Building of the Asiatic Society. (F.No.24/44/2009-M)

The matter had been placed before the Committee in its meeting held on 01.11.2007. The proposal was discussed and it was found that the Asiatic Society authorities desire to construct additional floors at the new Asiatic Society building to create more working space. The building where floors are to be added is located within the premises of Asiatic Society but falls within the prohibited area of the centrally protected Old Asiatic Society building. It was, however, noted by the Committee that the proposal is not limited to adding floors but also involves alteration in the exterior facade of the building. The Committee observed that the elevation drawing of the proposed construction does not tally with the existing design of the existing building. The Committee had desired that the Asiatic Society authorities should be asked to clarify the position and resubmit the facts in the next meeting.

The Secretary, Asiatic Society along with his colleagues later presented the case before the Committee and explained the details. The Committee was of the view that the Asiatic Society should incorporate the basic elements of the exterior facade of the old Asiatic Society

Building while adding floors to the building. It was desired that the Asiatic Society may submit a fresh set of elevation drawings to the ASI incorporating the suggestions of the Committee, for clearance. The Committee had recommended for grant of permission for construction of additional floors in the new building, in principle, considering that the Asiatic Society really needs additional space.

Director General, Town Planning Department of Government of West Bengal and Admn. Officer, Asiatic Society gave a power-point presentation on the façade design of the new building of Asiatic Society for which permission, in principle, had already been given by ASI as per the recommendations of Committee.

Decision

The Committee after having detailed discussions on the façade design observed that the Kolkata Municipal Corporation had approved the plan for the building comprising of six storeys much prior to the protection of Old Asiatic Society Building by ASI but the Asiatic Society could not take up the construction due to some reason or the other. The Committee finally recommended that the existing façade design may be retained and the same be replicated while undertaking construction for additional floors as per the approval already granted by ASI. It however, desired that all unauthorized constructions within the Asiatic Society premises must be removed by the Management.

MUMBAI CIRCLE

14. Request for development of Siva Temple, Ambarnath, Distt. Thane submitted by Dy. Engineer, PW sub-division, Ulhasnagar, Maharashtra. (F.No.24/161/2008-M)

The proposal is for undertaking development at Siva Temple premises, Ambarnath, Distt. Thane, Maharashtra submitted by Dy. Engineer, PW Sub-Division, Ullashnagar. The proposal relates to –

- (i) Reconstruction of shop.
- (ii) Construction of bridge.
- (iii) Construction of budging.

The Government of Maharashtra, considering the existing condition and large number of visitors coming to the temple for offering worship on festival days including Sivaratri has proposed certain developmental activities in the prohibited area of the Siva temple, which is also a protected monument. The proposal includes providing of basic tourist facilities.

Decision

The proposal could not be discussed by the Committee due to paucity of time.

15. Request for proposed redevelopment of the Existing chawl building on plot bearing CTS No.1331, 1331/1 to 1331/13 of Village Eksar, Borivali (West), Mumbai (F.No.24/187/2008-M)

M/s Kartik Enterprises, had made an appeal to DG, ASI for permission to undertake construction of residential/commercial building at the site. As per the existing guidelines, Mumbai Circle had issued the license for construction with 15 m height from the ground/road level. Now the applicant has approached for relaxation in height and has requested for an additional height of 15.21 m and has accordingly submitted the building plans with a total height of 30.21 m excluding the over head tank & lift machine room. The proposed

construction site is at a distance of 176 m from the Mandapeswar Caves. The proposal thus comes in 1st regulated area where a height of 15 m can be permitted as per the guidelines. He has further informed that the Committee had cleared almost a similar proposal of M/s Tirupati Developers in this area for construction upto the height of 24 m.

SA, Mumbai Circle had given a power-point presentation on the proposal on 22.1.2009 before the Expert Advisory Committee. The Committee had observed that the presentation does not contain the details of the buildings which fall in alignment between the site of construction and the monument. It was felt that the details in respect of height of the existing buildings should be furnished to the Committee for perusal. The decision on the proposal was deferred.

SA, Mumbai Circle again made a power-point presentation on the proposal before the Committee.

Decision

The Committee was of the view that roof line of the Church, which is the tallest building could be the ultimate cut-off line for the building proposed to be constructed and therefore, it was desired that SA, Mumbai Circle may himself verify the height of the roof line of the Church building and report to the Committee in its next meeting for a decision in the matter. The Committee also observed that in regard to difference in contour of the area, the applicant should submit a survey plan of the area between the monument and the site of proposed construction mapping all the existing features for perusal.

The decision on the request of the applicant was deferred.

16. NOC proposals for height relaxation for construction of buildings in the regulated area of Jogeshwari Caves, Mumbai.

- i) CTS No.157, Majas, Andheri, R.R. Thakur Marg, Jogeshwari (East), Mumbai in respect of M/S Shekhar Arolkar & Associates, Mumbai at a distance of 156 m from the protected limit of Jogeshwari Caves i.e. first 100 m of the regulated area.(F.No.24/19/2008-M)**
- ii) CTS Nos.157, 157/1 to 55, 158, 158/1 to 33 & 192 (Part), Majas, Jogeshwari (East), Mumbai in respect of M/S Raj Developers, Mumbai at a distance of 102 m from the protected limits of Jogeshwari Caves i.e. first 100 m of the regulated area. (F.No.24/18/2008-M)**
- iii) CTS No.153 (part), Majas, Jogeshwari (East), Mumbai in respect of M/S Shreeya Services Pvt. Ltd., Mumbai at a distance of 176 m from the protected limit of Jogeshwari Caves i.e. first 100 m of regulated area. (F.No.24/16/2008-M)**
- iv) Plot No.365 in Village Majas (Pt.III), Jogeshwari (East), Mumbai in respect of Shreeya Services Pvt. Ltd., Mumbai at a distance of 180 m and 190 m from the protected limit of Jogeshwari Caves i.e. first 100 m of regulated area.(F.No.24/17/2008-M)**
- v) CTS Nos.192 A, 192 B, 288 part, 290, 317, 318, 318/26, 318/27 of village Majas at Jogeshwari (E), Mumbai by M/S Raj Realtors Builders & Developers. (F. No.24/60/2008-M)**

SA, Mumbai Circle had made presentations on all the above proposals before the Committee with the help of area map, drawings and photographs explaining the ground conditions. The applicants have requested the DG, ASI to relax the height restriction of 15m in the first 100m and 30m in the second 100m of the regulated area as imposed by the SA, Mumbai Circle keeping in view the Guidelines.

The Committee advised that since a large part of the area around Jogeshwari Caves is to be redeveloped, and several slums are to be rehabilitated, the ASI may request the BMC / MMRDA to prepare a Comprehensive Development Plan limiting the maximum height for the buildings to be constructed in the first 100m and second 100m of the regulated area of Jogeshwari Caves. While preparing this plan, BMC / MMRDA may keep in mind the interest of the monument. The Committee had felt that the decision on all the above proposals may be deferred by ASI till BMC / MMRDA prepares the Comprehensive Development Plan and present it to ASI for approval by the Expert Advisory Committee.

It is stated that MMRDA/BMC authorities had been requested to prepare comprehensive development plan accordingly. SA, Mumbai Circle has informed that BMC authorities have stated that they do not have any plans for the Jogeshwari Caves and the ASI may prepare the development plan restricting the height of the buildings to be constructed in the first and second regulated area of the monument. But, no letter to this effect has been received by the Directorate General. SA, Mumbai Circle was requested in the 19th meeting of the Expert Advisory Committee to obtain a copy of the letter from BMC and send the same to the DG, ASI to take a view in the matter.

Decision

The matter could not be discussed by the Committee due to paucity of time.

17. Request of Dy.Suptdg. of Gardens (City), Brihanmumbai Mahanagar Palika, Mumbai for landscaping and beautification of 'Pandit Jawaharlal Nehru Udyan situated in Sion Fort, Sion a centrally protected Monument – reg. (F.No.24/48a/2009-M)

A proposal has been received from the Deputy Superintendent of Gardens (City), East Ward Municipal Office, Mumbai - 400 001, on beautification and development of 'Pandit Jawaharlal Nehru Udyan' situated in Sion Fort, Sion, a centrally protected monument.

SA, Mumbai Circle after having examined the proposal has submitted following details-

1. Sion Fort is declared as a centrally protected monument.
2. The total area of the fort measures 47,437.00 Sq. Yards.
3. In the year 1965, Aurangabad Circle after retaining an area of 8005.00 Square Yards with ASI (4467 Sq. yds. for ASI Office + 3738 Sq. yds. for monument premises) had leased out an area of 39,432.00 Sq. Yards to the then Bombay Municipal Corporation for a period of 60 years, for developing a garden. The lease agreement is valid up to 2023.
4. Subsequent to the leasing out of the land, the BMC has developed a garden at Sion Fort. Over a period of time, a number of concrete structures were added but due to lack of maintenance, they have become highly dilapidated and the entire garden has become very shabby and ugly. A few structures have become structurally weak and precarious posing a great danger to the visitors, who come to the garden regularly for morning walk and jogging. The Senior Citizens Forum of Sion have made several representations for dismantling the dilapidated structures.
5. The concept plan pertaining to the leased out area has been developed by M/S Randive Associates Private Limited. The proposal includes removal of existing concrete structures such as water cascades, toilet block, play structures, canteen, watch towers, etc. Some of these are in

dilapidated condition. The Architect has proposed to lay new pathways, lawns, raising of fort walls, an open amphitheatre, etc.

M/s Ranadive gave a detailed presentation on the concept on behalf of BMC.

Decision

The Committee observed that the proposal is mainly conceptual and not realistic with details. It suggested that BMC may submit a detailed proposal with focused approach in respect of each item of intervention proposed. It desired that BMC may submit the proposal to ASI through SA, Mumbai Circle within 30 days. In regard to landscaping it desired that the details on the species of the plants proposed for plantation should also be submitted.

The decision on the proposal was deferred.

18. Request for construction of residential building at C.S. No.141, Shaniwar Peth, Pune within restricted area from Shaniwar Wada, Pune in favour of Shri Sumant Dattatraya Paranjape, Shanwar Peth, Pune. (F.No.24/4/2009-M)

Shri Sumant Paranjape has applied for issue of NOC for the construction of residential building consisting basement, ground and two floors along with mummy / machine room / water tank with a maximum height of 9 m from ground level. The site of proposed construction is located in the prohibited area of Saniwarwada, a centrally protected monument at a distance of 80 m from the protected limit. SA, Mumbai Circle has informed that the surrounding area of the monument is thickly populated with residential and commercial buildings and the site of construction is also surrounded by buildings having 2 to 3 floors. The applicant has also submitted that earlier he had obtained necessary permission from the Pune Municipal Corporation in 1999 to take up the reconstruction on the said plot. Later, the Mumbai High Court directed him to submit a fresh proposal. The fresh plan is not approved. Shri Sumant Paranjape has submitted that the Mumbai High Court order even specially mentions his advanced age and has directed the Pune Municipal Corporation to expedite the process of approving the building/repairing plans. The applicant has informed that Pune Municipal Corporation is not clearing the proposal for want of NOC from ASI.

Decision

The proposal could not be discussed in the meeting because of shortage of time.

The meeting ended with a vote of thanks to the Chair.