

**Minutes of the 22<sup>nd</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 Tuesday, 26<sup>th</sup> 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 were present.

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

Officers from ASI, Delhi Jal Board

1. Shri Pravin Srivastava, Addl. D.G., ASI, New Delhi.
2. Shri K.P. Poonacha, Jt. DG (P), ASI, Janpath, New Delhi.
3. Shri B.R. Mani, Jt.DG (M), ASI Janpath, New Delhi.
4. Shri A.K. Sinha, S.A. (M)
5. Shri D.N. Dimri, SA, Agra Circle, Agra
6. Shri V.K.Swarnkar,Dy. SA, Delhi Circle
7. Shri A. Pradhan, Agra Circle, Agra
8. Shri Rajiv Garg, Civil Engineer, Delhi Jal Board, Delhi.
9. Shri R.S. Rana, AO
10. 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 dilapidated condition of the building. 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 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 mumty 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 19<sup>th</sup> meeting. The Committee had observed that re-construction of the building which appears to be in good state as per the photographs presented, shall 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 has 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.

SA, Agra Circle gave a fresh power-point presentation on the proposal.

### Decision

The Committee after having looked into the prevailing ground situations from the photographs and Google Earth images observed that ASI may not accede to the request of the applicant for total reconstruction upto the height of the existing building, but may instead permit the reconstruction of the building at par with the height of the monument located in close vicinity, which is 11.5 m from the ground level with basement. It also recommended that alternatively, ASI may give liberty to the applicant to undertake

additions and alterations in the existing building internally (including basement) without disturbing the fabric of its existing envelop i.e. outer walls, subject to the condition that he shall neither increase the height of the existing building nor would indulge in increase in the plinth area, in any manner. It was suggested that the applicant may be asked to plant trees in the open area within the premises around the building to camouflage the structure from all sides.

## **DELHI CIRCLE**

### **2. Request for extension of NOC license for re-construction with additional height upto 15 m and change in ownership in the residential building at property No.A-16, Mayfair Garden, New Delhi. (F.No.24/55/2002-M)**

The applicant has appealed to DG, ASI for grant of permission for reconstruction of the residential building upto the height of 15 m and 1.60 m deep basement because of family requirements and in accordance with MPD-2021. The applicant had been granted permission for reconstruction in 2002 upto the height of 10.73 m including parapet wall but due to certain reasons the reconstruction could not be carried out by the previous owner. The applicant wants to re-construct ground, first, second and third floors apart from basement.

SA has informed that the site of construction is located in the prohibited area at a distance of 32 m from Makhdumi Mosque, a protected monument. He has furnished following details explaining the ground conditions -

North : Park  
South : Residential buildings with 15 m height.  
East : August Kranti Marg  
West : Colony Road, Park & Monument  
**Road exists between the monument and property.**

SA, Delhi Circle gave a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

### **Decision**

The Committee on the basis of data made available by SA, Delhi, observed that many buildings already exist between the monument and the site of reconstruction. It further felt that reconstruction of the house having ground, first and second floors with mummy, water tank and parapet wall on second floor roof terrace as per the Building Bye-laws of MCD upto the maximum height of 12.5 m may not disturb the skyline any further. The Committee recommended that the ASI may grant permission for reconstruction upto the height of 12.5 m with basement. It did not recommend for the construction of third floor, as requested by the applicant.

### **3. Permission for re-construction of property bearing No.F/42 situated at N.D.S.E.I, New Delhi. by Shri Arun Kumar Kaicker (F.No.24/123/2008-M)**

The applicant has appealed to DG, ASI for grant of permission for reconstruction of the building which is located in the prohibited area of Kale Khan's Tomb, a protected monument at a distance of 72 m. His request was earlier rejected by SA, Delhi Circle. The appellant intends to reconstruct the building upto the height of 16.92 m including mummy in place of existing building, which is 11.966 m in height. He has informed that

his property faces the Ring Road and the monument is located on the rear side separated by a lane, a road and a row of houses. He has further submitted that the monument is surrounded by 3-4 storeyed buildings and as such reconstruction at his property shall not obstruct the view of the monument and disturb the skyline.

SA, Delhi Circle has furnished the details of surroundings as under -

North : Service lane and residential buildings with 9.50 m height  
South : Main Road  
East : Commercial buildings with 15 m height.  
West : Residential buildings with 10 m height.

**Road exists between the monument and property.**

SA, Delhi Circle made a detailed power-point presentation before the Committee on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee after having perused the ground conditions observed that many buildings already exist in the area between the monument and the reconstruction site and no adverse effect would be caused if ASI grants permission for reconstruction upto the maximum height of 15 m including mumty/machine room/water tank/parapet wall on the roof terrace. The Committee recommended that ASI may permit the applicant to undertake reconstruction of the building upto the maximum height of 15 m, including all utility structures as stated above, over the roof terrace and also the basement.

#### **4. Permission for construction of a new building in Property No.A-1/81, Panchsheel Enclave, New Delhi by Smt. Rani Puri. (F.No.24/151/2008-M)**

The applicant has made an appeal to DG, ASI since her request for grant of permission for construction of a new building had been rejected by Delhi Circle of ASI on the grounds that the property falls in the prohibited area of Lal Gumbad, a protected monument. SA, Delhi Circle has informed that the property is located at a distance of 66 m from the monument. It has further been informed that a building with a height of 11.74 m already exists at the site and the applicant intends to undertake construction of a new building in its place having a height of 17.10 m including mumty / machine room and the basement (-2.46 m). SA, Delhi Circle on the basis of fresh inspection of the site has furnished following details explaining the ground conditions -

North : Colony Road and residential buildings with 6.50 m to 12.50 m  
South : Service lane and residential buildings with 5.50 m to 15 m  
East : Colony Road & DDA Flats with 12.50 m height  
West : Residential buildings with 12.50 m height.

**Road exists between the monument and property.**

SA, Delhi Circle gave a detailed power-point presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

## Decision

The Committee took note of the ground conditions as explained by SA and recommended that the ASI may allow the applicant to go for reconstruction of the building upto the maximum height of 12.5 m including utility structures over the roof terrace and basement (-2.46 m), considering that the construction of building shall not cause any adverse effect on the monument and its visibility because many buildings of almost similar height already exist in the alignment.

### **5. Permission for construction of a new building in property No.N-1, Green park Main, New Delhi by Shri Ramesh Jain. (F.No.24/149/2008-M)**

The applicant has appealed to DG, ASI for grant of permission for reconstruction of a residential building upto the height of the existing building. SA, Delhi Circle has stated that the existing building was unauthorizedly constructed in 2003 even after his request for grant of permission was rejected. Police complaints and notices had also been issued for the unauthorized act of the applicant. SA has informed that the site of construction is located in the prohibited area of Biran-ka-Gumbad at a distance of 40 m and as per the building plan sanctioned in 1979, the height of the legitimate building was 10.06 m. The existing building unauthorizedly constructed in 2003 is of 14.725 m height with 1.82 m deep basement. The applicant now proposes to construct a building upto the height of 15 m comprising ground, first, second and third floors with mummy on terrace and a basement.

North : Service lane and water tank with approx. 20 m height.  
South : Colony Road and residential buildings with 4.50 m to 12.50 m  
East : Residential building with 12.50 m height  
West : Colony Road and residential buildings with 9.50 m to 12.50 m  
**Road exists between the monument and property.**

SA has further informed that there is a Delhi Jal Board water tank having a height of 20 m approx. with a dimension of 20x20m which is in between the monument and the proposed site of construction.

SA, Delhi Circle gave a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

## Decision

The Committee expressed surprise on the dare devilness of the applicant that even after notices and complaints filed by ASI, the applicant went ahead with the construction of the building upto the height of 14.725 m with basement and now with his current appeal he desires to get his unauthorizedly constructed building regularized. The Committee recommended that SA, Delhi may initiate further action against the applicant for unauthorised construction. It was also recommended that his request for reconstruction of the building may be rejected by ASI.

### **6. Permission for addition/alteration work in property No.E-22, Green Park(Main), New Delhi by Shri Sarabjeet Singh. (F.No.24/150/2008-M)**

The owner has appealed to DG, ASI for grant of permission for construction since his request was rejected by Delhi Circle on the ground that the site of construction is located at a distance of 88 m from Biran-ka-Gumbad, a protected monument. He has

further informed that he wants to construct second and third floors over the existing building because of increase in the family size. He has also pleaded that his house is far away from the monument and there exist one service lane opposite the monument, two rows of houses and again a service lane in front of his house and as such the beauty of the monument shall not be affected due to construction of the house.

SA has informed that the applicant intends to raise the height of the existing building, comprising of ground, first, and partly built second floor, upto 17.297 m (third floor with mumty and machine room). It has also been informed that there are two rows of houses already built in between the property under reference and the monument. Following is the surrounding situation -

North : Residential buildings  
South : Vacant Plot and residential buildings with 12 m height  
East : Service lane  
West : Colony Road and residential buildings  
**Road and residential buildings exist between the monument and property.**

SA, Delhi Circle made a detailed presentation on the proposal before the Committee with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee on the basis of power-point presentation given by SA, Delhi Circle observed that there are two service lanes and two rows of houses between the monument and the site of reconstruction. The height of the existing houses are also upto 15 m. It further observed that the construction of additional second and third floors over the existing building upto 15 m including machine room, mumty, water tank and parapet wall over the roof terrace shall in no way obstruct the view of the monument and disturb the sky-line any more. It recommended that ASI may grant permission for construction of the second and third floors over the existing building upto the maximum height of 15 m inclusive of utilities as mentioned above.

#### **7. Permission for reconstruction at Property No.N-4 Green Park(Main), New Delhi by Smt. Neeta Kapoor and others. (F.No.24/15/2008-M)**

The applicant had applied for construction at Property No. N-4, Green Park Main, New Delhi on 27.7.2007 to the S.A, Delhi Circle but the request was rejected on 16.8.2007 since the property is located in the prohibited area of **BIRAN-KA-GUMBAD**, a centrally protected monument.

The applicants later approached DG, ASI mentioning that the said property comprising of ground, Ist and IInd floors is in a dangerous condition and not safe to live in as it may collapse any time. She had requested for grant of permission for reconstruction of the building upto the height of 12.28 m from ground level upto mumty.

SA, Delhi Circle had informed the Committee in its meeting held on 28.3.2008 that the building under reference is located at a distance of 50 m from the protected limits of Biran-ka-Gumbad. He had further explained that there is a lane on the rear side and a garden between the building under reference and Biran-ka-Gumbad, the nearest centrally

protected monument. The neighbouring buildings are built upto a maximum height of 15m (approx).

The Committee had recommended that ASI may grant permission for reconstruction of the existing building upto the existing maximum height 12.28m from the ground level upto mumty subject to the condition that there shall not be any horizontal and vertical expansion of the building and the reconstruction shall be as per the approved plan of the existing building. They had desired that while granting permission, the ASI should refer to the approved plan of the existing building and ensure that relevant restrictions on the volume and floor-wise covered area as per the existing building is suitably mentioned. The permission was accordingly granted by SA, Delhi Circle.

The applicant has once again appealed to DG, ASI to reconsider her case with following justification –

1. To grant permission to make full ground, first and second floors as per the MCD norms but height will remain the same i.e. 12.28 m from the ground level upto mumty, as already permitted.
2. The view of the monument will not be disturbed.
3. Property will be used personally and not commercially.
4. The height of the neighbouring buildings are more than her building.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee on the basis of power-point presentation recommended that the ASI may relax the condition imposed on restriction in respect of volume and floor-wise covered area as per the existing building subject to the condition that the applicant shall restrict the height of the building upto 12.28 m which was permitted by ASI on the basis of the recommendation of the Committee in its meeting held on 28.3.2008.

#### **8. Permission for reconstruction at property No.4240/6-C, Plot No.2/33, Ansari Road, Darya Ganj, Delhi by Smt. Maya Devi and Mrs. Kusum Lata (F.No.24/11/2008-M)**

The applicant Smt. Maya Devi had applied for reconstruction of Property No. 4240/6-C, Plot No.2/33, Ansari Road, Darya Ganj, Delhi on 20.9.2007 to Delhi Circle but the same was rejected since the property is located at a distance of 81m from the protected limit of **CITY WALL**, Darya Ganj, a centrally protected monument and as such falls in the prohibited area.

The applicant later approached DG, ASI mentioning that there are three rows of already built houses in between her property and the protected City Wall, Darya Ganj and as such the view of the monument will not be affected even if permission is given to her for reconstruction of her property upto a height of 16.76m from ground level with machine room, and a 1.828m deep basement.

The SA, Delhi Circle, while explaining the proposal with the help of photographs, area map and drawings had apprised the Committee that the property under reference is surrounded by buildings varying in height and there are three rows of houses built between the monument and the property under reference and some of the houses are more than 15 m in height.

The Committee had felt that ASI may accord permission for reconstruction upto the maximum height of 12.50m (including mumty, machine room and water tank) subject to the condition that the applicant shall not undertake any horizontal expansion while reconstructing. It had also desired that ASI should make special mention in the permission about the existing floor-wise covered area beyond which reconstruction shall not be undertaken. The basement was also not permitted on account of the proximity of the site to the monument. The applicant was accordingly granted permission for reconstruction of the building.

The applicant has now again appealed to DG, ASI stating that the property is at a distance of 81 m from the city wall, and a number of buildings comprising G+3 storey with basement are already existing between the property and the protected stretch of City Wall. She has also claimed that the old building was having basement, ground, first and second floors. In support of her claim she has enclosed a good number of photographs of the buildings located close to the site of construction and also a site plan of the area showing the height of the existing buildings. She has again requested for grant of permission for reconstruction of the building having ground, first, second and third floors with basement and mumty having a maximum height of 16.76 m from ground level upto mumty.

SA, Delhi Circle gave a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee took note of the ground conditions as explained by SA, Delhi Circle and recommended that the ASI may accord permission to the applicant to reconstruct the house upto the maximum height of 15 m with basement, in accordance with bye-laws of MCD, duly considering that the construction upto the height of 15 m shall not obstruct the view of the monument as a large number of buildings already exist in close vicinity of the protected monument and the site of construction.

#### **9. Permission for construction in A-27, C.C. Colony, Delhi by Shri Yogesh Bahel, Shri Manjeet Singh & Shri Heera Lal Dhingra (F.No.24/142/2008-M)**

The applicants have approached DG, ASI for grant of permission for construction of a building having height of 15.09 m comprising ground, first, second and third floors with mumty/machine room and 1.52 m deep lift pit below the ground level as per drawings submitted. The request was rejected by Delhi Circle for the reason that the site falls in the prohibited area of Tripolia Gate at a distance of 88 m.

SA has informed that the owner wants to construct a building having height of 15.09 m on the plot which had a building till 2-3 years. The building has since been demolished and the plot is now lying vacant. SA has further informed that there are two rows of houses already built upto 12.50 m to 15 m height between the property and the monument under reference. He has furnished following additional details explaining the ground conditions –

North :	Residential buildings with 9.50 m to 15 m height
South :	Road and vacant plot
East :	Service lane and MCD School with 15 m height



West : Colony Road and residential buildings with 12 m to 15 m height  
**Road and residential building exist between the monument and property.**

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

### Decision

The Committee after having acquainted with the ground conditions recommended that the ASI may grant permission for construction of a building at the plot upto a maximum height of 15 m comprising of ground, first, second and third floors and essential utility constructions like machine room, mummy, water tank and parapet wall over the roof terrace besides 1.52 m deep lift pit below the ground level, considering that many buildings upto the height of 15 m already exist and the site is about 88 m away from the monument. The Committee observed that there would be no safety hazard to the monument or obstruction in its visibility and the overall skyline, if the permission for construction is accorded by ASI.

**10. Request for review of the decision of the EAC dated 22.8.2008 and for personal hearing in regard for application dated 23.6.2008 for permission to use and construct 75% covered area as permitted under the Master Plan 2021 for the Property No.J-13, Green Park Main), New Delhi. F.No.24/170/2008-M / 24/147/2008-M)**

The applicant had appealed to DG, ASI to allow him to go for horizontal expansion i.e. 70% of 750 sq.m as the FAR permitted as per the MPD-2021, while undertaking reconstruction of the building. Shri Kapila had accordingly been permitted for construction of the second floor upto the maximum height of 12.35 m as per the recommendation of the Committee in its 12<sup>th</sup> meeting held on 11.2.2008. The applicant now wants to reconstruct the building upto the height of 12.35 m instead of adding up the second floor for which permission was accorded so that he is able to avail the full benefit of coverage and FAR as permitted under the MPD-2021 and MCD bye-laws. He has thus requested to allow him to reconstruct the building afresh upto the maximum height of 12.35 m.

SA, Delhi Circle had explained the background of the case and ground conditions with the help of area map, photographs, drawings and Google Earth image in the Expert Advisory Committee meeting held on 24.7.2008. The Committee had recommended that the ASI may outrightly reject the appeal since it is the third time the applicant has approached the ASI with additional request. While on first occasion he was permitted for construction of first floor where as on second time his request for construction of second floor was also. Now he wants to demolish of the entire building and re-construct it with horizontal expansion as per MPD-2021. The Committee felt that once he is permitted for re-construction what is the guarantee that he will not again approach for some other relief. The Committee was of the opinion that his request may be rejected by the ASI. The applicant had accordingly been conveyed the decision.

The applicant has once again approached DG, ASI with the plea that since the Master Plan 2021 allows coverage upto 75% of the 750 sq.mtr area, he may be given permission to avail the same while undertaking construction upto the permitted height i.e. 12.35 m above the road level. However, the said request was rejected without citing any reasons by the competent authority on 22.8.2008.

The applicant has now requested for a review of the decision and for grant of permission to cover the 75% of 750 Sq.m as per permitted FAR under the Master Plan 2021. It has been reiterated that the building existing on the said plot was constructed about 50 years ago. Subsequently, there have been numerous modifications with respect to the rules and regulations pertaining to the coverage, FAR and building bye laws. In accordance with the Master Plan 2021, the covered area permitted on each floor is 75% of 750 Sq.m, whereas in the present case the applicant is only covering 40% of the area. Further, the permission sought is in regard to the horizontal expansion of the building and as such will not affect the height of the building which will remain under 12.35 m in accordance with “No Objection Certificate” granted earlier. Such construction would also be in consonance with Master Plan 2021 as the FAR (horizontal) permitted is 75% of 750 Sq.m.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee deliberated upon the FAR as per MPD-2021 and concluded that there does not appear to be adequate justification as submitted by the applicant for reconstruction of the existing building after demolition to avail increased FAR, as far as possible. They recommended that the request of the applicant may be rejected by the ASI.

**11. Permission of NOC for construction at Property No.A-3, NDSE-I, New Delhi in favour of Shri Vijay Kumar and Smt. Kiran Devi (F.No.24/180/2008-M)**

The applicants have appealed to DG, ASI for grant of permission for reconstruction of the property since the existing building is very old, not safe and insufficient for the family. The property is not in front of Darya Khan’s Tomb, a protected monument and there exists a commercial shopping complex in between. The request was rejected by Delhi Circle since the property falls in the prohibited area of the protected monument; from just 80 m from it.

SA, Delhi Circle has informed that the site of construction falls in the prohibited area of Daria Khan’s Tomb, a protected monument.. The proposal is for reconstruction of a building after demolition of the existing one. The proposed construction includes ground, first, second and third floors along with mumty upto a maximum height of 17.526 m and a basement having a depth of 1.70 m. The existing building comprises of ground, first and second floors.

SA, Delhi Circle has communicated following details –

North	Residential building with 9.50m height
South	Residential building with 9.50 to 12 m height
East	Colony road and Residential building with 8m to 15 m
West	Colony road and Park.

SA, Delhi Circle made a detailed power-point presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

## Decision

The Committee examined the ground conditions based upon the documentation done by Delhi Circle and was of the opinion that the proposed reconstruction of the house shall not cause any adverse effect on the safety of the monument as well as its visibility from a distance. The Committee recommended that ASI may allow reconstruction of the building only upto the maximum height of 12.5 m with mummy, parapet wall and water tank over the roof terrace of second floor and also the basement (-1.70 m).

### **12. Appeal for issue of NOC / permission for re-construction at property No.N-162, Panchsheel Park, New Delhi (F.No.24/175/2008-M, 24/3/2008-M)**

Shri Naveen Bahri had applied for issue of permission for reconstruction at property No. N-162, Panchsheel Park, New Delhi on 7.5.2003 to Delhi Circle. The request was rejected since the property is located at a distance of 16m from the nearest bastion i.e. the protected limit of ruins of **SIRI FORT WALL**, a centrally protected monument falling in the prohibited area.

The applicant had appealed to DG, ASI for grant of permission for reconstruction of property upto 10.744m height along with 1.981 m deep basement in place of 9.75 m high existing structure from ground level upto mummy. He had submitted that the building is quite old and the bona-fide needs of the family have also increased. Further, he had apprised that the buildings in the vicinity are much higher than his building.

The proposal was discussed by the Committee in its meeting held on 28.3.2008. The Committee, after being explained the ground situations by SA, Delhi Circle with the help of photographs, drawings and area map, was of the view that ASI may permit reconstruction of the house upto the maximum height of 9.75m (i.e height of the existing building). It was also advised by the members that while granting permission, complete floor-wise documentation of the building in existence should be done by Delhi Circle and floor-wise reconstruction as per the existing building based upon the approved building plan and built-up area should be restricted. Exclusive floor-wise covered area details should be specially mentioned in the permission letter so that the owner does not undertake construction beyond the existing building. The Committee had also felt that ASI should not allow construction of basement keeping in view the fact that the site of construction is close to the protected monument.

The applicant has again approached DG, ASI to reconsider his case to waive off the restriction imposed on floor area based upon the existing building and to allow 2.5 m stilt floor for car parking. He has stated that MCD is not ready to approve the building plan as per the permission accorded by the ASI in the present form. He has cited a number of cases wherein floor area restriction had not been imposed by the ASI.

SA, Delhi Circle gave a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

## Decision

The Committee agreed to relax the restriction imposed on existing floor area since similar relaxation had been granted in respect of many cases which were put up earlier. But it did not agree for relaxation in height restriction imposed. It recommended that the applicant may be permitted for reconstruction upto the maximum height of 9.75 (height of the existing building) and – 1.981 m basement as per the MCD Building Bye-Laws.

**13. Issue of NOC for re-construction of existing residential building at Property No.N-140, Panchsheel Park, New Delhi in favour of Shri S.S.H. Rehman. (F.No.24/174/2008-M / 24/4/2008-M)**

The applicant had approached DG, ASI for reconstruction of a new building at the aforesaid plot as per the Municipal Corporation of Delhi Building Byelaws upto the height of the existing building i.e. 10.52m and 1.90m deep basement. He had also mentioned that there are a number of buildings located close to the monument which are 10.67m to 13.4m high. He had further informed that permission for reconstruction of a building has already been accorded by ASI to N-154, Panchsheel Park, which is located in the vicinity.

The Superintending Archaeologist, Delhi Circle informed the Committee, in its meeting held on 28.3.2008, that the property under reference is located at a distance of 8m from the protected limit of the ruins of Siri Fort Wall, a centrally protected monument and as such falls in the prohibited area. There is an open area between the monument and proposed site of construction.

The Committee on the basis of existing ground conditions was of the view that ASI may grant permission for reconstruction upto a maximum height of 10.52m subject to the condition that no vertical or horizontal expansion is undertaken by the applicant and the reconstruction is carried out as per the approved plan of the existing building and the total built up area, whichever is less.

The Committee in its meeting held on 28.3.2008, while looking at the photographs presented by SA, Delhi Circle, had observed that the second floor of the existing building is only partly built and the area covered by it is much less than approved by MCD in 1992. Hence, while granting permission, restriction should be imposed that the applicant shall not undertake any additional construction i.e. more than what is presently existing. ASI, while issuing formal permission shall make special mention of maximum floor-wise covered area which the applicant may reconstruct based upon the built up floor-wise covered area of the existing building. The Committee was also of the view that ASI may not grant permission for construction of the basement as the house is located very close to the monument.

The applicant has again approached the DG, ASI with following plea –

1. DG, ASI had very kindly consented to accord me permission to reconstruct covered area as follows:
  - (i) Ground Floor: 298.45 Sqm. (3212.06 Sq.ft.)
  - (ii) First Floor: 298.45 Sqm. ( -do- )
  - (iii) 2<sup>nd</sup> Floor (Part): 214.83 Sqm. (2305.119 Sq.ft)
2. He has been advised by the MCD with reference to the revised guidelines that the parking norms have been modified and as such additional parking space has to be provided in the plot to an extent of approximately 605 Sq.ft. therefore, effectively reducing the ground floor covered area to 2607 Sq.ft.
3. He has requested that the diminished area be added to by increasing the height or permitting him to build the second floor (sanctioned for part construction). This will also help balance architectural plan, intending to

draw inspiration from enclosed visual. It has been further stated that the covered area will be still way below the permissible FAR.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings in close vicinity Google Earth images, photographs and drawings.

#### Decision

The Committee recommended that ASI may permit the applicant to build the second floor relaxing the restriction imposed on covered/floor area subject to the condition that the applicant shall not undertake construction beyond the maximum height of 10.52 m, as was permitted to him as per the recommendation of the Committee on 28.3.2008. It reiterated that the permission for basement may not be granted to the applicant by ASI.

#### **14. Construction of Auditorium & Seminar Hall at Gargi College, New Delhi. (F.No.24/177/2008-M)**

Principal, Gargi College has proposed to construct Auditorium and Seminar Hall which have the sanction of DDA. The College's request for grant of permission for construction to Delhi Circle was rejected in May, 2008. The Principal has now appealed to Director General, ASI and has advanced the following justification –

- (i) The construction is within the College campus and is only an addition to an existing structure.
- (ii) Its distance from compound wall is the same as other existing structures within the campus.
- (iii) The nearest monument is the wall of the Siri Fort. This wall lies almost 2 meters under the ground.
- (iv) The DDA Sports Complex is situated within the Siri Fort Complex.
- (v) Some of the structures of the DDA Sports Complex do not have a set back of 100 meters as per the norms. In fact, a few structures are actually abutting the Siri Fort wall.
- (vi) The College is undertaking construction building as per the sanctioned plans of DDA. The ongoing construction is an extension of an existing structure and is parallel in location to other structures adjacent to the compound wall.
- (vii) The College is a non-profit institution of Higher Education managed by Govt. of NCT of Delhi. It is a constituent College of the University of Delhi. It is one of the most prestigious colleges of South Delhi and offers education in arts, commerce and science as well as a number of professional, career oriented courses. Women empowerment is its mission with an aim to send out of our portals young women adults who are competent to take up leadership positions in their chosen fields and are also sensitized enough to engage in welfare activities for the underprivileged. The new auditorium will be highly enabling in the fulfilment of our mission. It has, in fact, been a long-standing dream of the staff and students of Gargi College.
- (viii) The auditorium is an expansion of existing seminar hall. It has been designed especially to cater to the physically disabled, not only as audience, but also for performance. In fact, it is commitment of the College to the Chief Minister of Delhi (who laid the foundation stone) to inaugurate the auditorium with a performance by the disabled.

SA, Delhi Circle has informed that the construction has already started and the ground floor is already complete. Delhi Circle had issued notice to the Principal, Gargi College on 11.4.2008 and had also requested on 24.4.2008 to stop the unauthorized construction and apply to ASI for grant of permission. But, the construction activities have continued. Again on 22.7.2008, another notice was issued to stop the construction followed by notice for removal of unauthorized construction on 17.10.2009. SA has informed that the site falls in the prohibited area of Siri Fort wall at a distance of 61 m. The proposed Auditorium is to be built upto the maximum height of 14.80 m with 2.70 m deep basement.

SA has furnished following details in respect of ground conditions –

North: Siri Fort Road  
South: Open land and Siri Fort Wall  
East: College Staff Quarter with 8m height  
West: Main building of College having 15m height.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings in the vicinity, Google Earth images, photographs and drawings. It was noted that the proposed construction was under the extant norms albeit the College ought to have obtained the permission of ASI before undertaking the construction.

#### Decision

The Committee expressed surprise that despite being an educational institution of repute, the authorities have not responded to the notices issued by ASI. It desired that SA, Delhi Circle may issue another notice to the Principal to stop the construction and also seek explanation for starting the construction without obtaining any permission from ASI. The Committee said that after the receipt of explanation of the College Principal, Director General, ASI may take appropriate action in the matter.

#### **15. Grant of permission for re-construction of Property No.C-40, East of Kailash, New Delhi in favour of Shri Upender Singh & Others (F.No.24/181/2008-M)**

The applicants intend to take up reconstruction of a building at the property. His request was rejected by SA, Delhi Circle on 13.8.2007. The applicant has appealed to DG, ASI with following justification for permitting him to undertake the re-construction.

- i) The existing building is 40 years old, constructed without RCC pillars and beams due to which its condition has become dangerous. A certificate from MCD Regd. Engineer has been enclosed along with some photographs.
- ii) The size of the family has increased considerably and all the family members are grown up to marriageable age.
- iii) The existing building is surrounded by 4 to 5 storeyed residential buildings. These buildings are closer to the Ashokan Rock Edict and the property under reference. One of such existing buildings C-37, East of Kailash, New Delhi which is just behind the building under reference has been granted permission for reconstruction up to 15 m height.

The proposal was examined by SA, Delhi Circle afresh and he has informed that the applicants intend to reconstruct a building upto the maximum height of 14.40 m comprising of ground plus three floors and 1.89 m deep basement. The site of construction falls in the prohibited area of Ashokan Rock Edict and is at a distance of 64 m from the

boundary wall of the monument. The existing building comprises of ground plus two floors and is stated to be old and in dilapidated condition.

Following details explaining the ground conditions have been furnished by the SA –

North:- Residential buildings with 12.50m to 15m height

South:- Road

East:- Residential buildings with 10.50m to 15m height

West:- DDA Market with 8m height.

Road exists in between the monument and the property.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

### Decision

The Committee, after evaluation of the ground conditions, was of the view that a number of buildings in close vicinity of the monuments already exist. Even in the straight alignment between the monument, and the site of construction, a few buildings are already existing upto 15 m or even of little more height. It therefore, recommended that the ASI may accord permission for re-construction of a building at the plot upto the maximum height of 15 m, inclusive of mummy, machine room, water tank and parapet wall and the basement (- 1.89 m) following the Building Bye-Laws of MCD.

### **16. Request for addition / alteration in the existing residential house at Plot no.C-42, Mayfair Garden, Hauz Khas, New Delhi. (F.No.24/184/2008-M)**

The applicant had made an appeal to DG, ASI for grant of permission to undertake addition / alteration at her existing building with some internal changes maintaining the existing height. The existing building has ground, first and partly built second floor. Her request to SA, Delhi Circle for renovation/addition/alteration like removal of a few internal walls and provision for lift was rejected since the property falls in the prohibited area of Makhdumi Mosque at a distance of 37 m. However, permission for simple repairs was granted.

SA, Delhi Circle has furnished following details –

North: Residential buildings with 6 m to 12.50 m height

South: Residential buildings with 11 m to 15 m height

East: Colony Road

West: Service lane and residential buildings with 7.50 to 15 m

**Road exists between the monument and property.**

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings in close vicinity of the monument Google Earth images, photographs and drawings.

### Decision

The Committee, after having perused the ground conditions, observed that the applicant simply wants permission to undertake additions/alteration at her existing building internally and does not intend to increase its height except provision for a lift. It therefore, recommended that ASI may accord the permission, as applied.

**17. Request for re-construction of House No.F-27, Green Park Main, New Delhi. (F.No.24/186/2008-M)**

The applicants had applied to SA, Delhi Circle for reconstruction at Property No. F-27, Green Park Main, New Delhi on 04.09.2008. On inspection, it was observed by the inspection team that the existing building has ground, first and second floors. The proposal was rejected since the property is located in the prohibited area of Beeran Ka Gumbad, a centrally protected monuments at a distance of 17m.

The applicants have appealed to the Director General, Archaeological Survey of India with the request to allow them to reconstruct their building for own use as residence with a maximum height of 14.939m from ground level upto mumty alongwith 3.048m deep basement.

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

North	Residential buildings with 8 m to 13 m height
South	Residential buildings with 12.50m height
East	Road and Residential buildings with 12.50m height
West	Residential buildings with 8.50 m to 14 m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee, after having perused the ground conditions around the monument and the site of construction, observed that the area is dotted with many buildings having height upto 14 m and thus recommended that ASI may permit reconstruction of the building at the plot upto the maximum height of 12.5 m with basement (-3.048 m). The maximum height recommended should include the mumty, machine room, parapet wall and water tank, since neither the monument nor the sky-line are likely to be further disturbed.

**18. Request for re-construction of residential house at property No.E-5, Panchsheel Park, New Delhi submitted by S/ Shri Vinod Sehgal, Vipin Sehgal, Suresh Sehgal and Arun Sehgal. (F.No.24/189/2008-M)**

The applicants have appealed to DG, ASI informing that when they approached Delhi Circle of ASI for grant of permission who has informed that construction could be carried out at the site upto the maximum height of 15 m subject to the condition that we shall have to leave 3.97 m of the plot on the north free from any construction since the plot is located at a distance of 97 m from the centrally protected Siri Fort wall as the plot marginally falls in the prohibited area.

The applicants have made following submissions –

- (i) This is an ancestral property jointly owned by four brothers having their own families.



- (ii) Because of ASI's restrictive condition the room sizes would become disproportionate.
- (iii) Leaving 3.96 m area on the north of the plot free from construction would serve no cause to the monument, as far as its aesthetic look, safety and preservation are concerned.
- (iv) The documentation of distance and height of the buildings at each plot close to our property, duly authenticated by an architect explains that many buildings which exist around our property are already built upto 15 m height, including those which are closer to the monument, (Photos enclosed), than our plot.
- (v) The visibility of the monument shall not be affected from any point of our property even if we are allowed to reconstruct the building as per MCD bye-laws and relaxing the condition imposed by Delhi Circle of ASI.
- (vi) Ours is a marginal case because the distance of the plot from the monument, as per ASI, is 97 m.
- (vii) Panchsheel is a legitimate colony duly approved by DDA and other authorities.

The applicants have requested DG, ASI to relax the condition imposed by Delhi Circle (leaving 3.96 m area of the plot free from any construction since this small strip falls within 100 m of the monument) and permit them to take up construction of the house without leaving 3.96 m portion of plot on north free from construction upto the height of 15 m, with basement as per MCD bye-laws.

SA, Delhi Circle has provided details pertaining to ground conditions as below –

North: Residential buildings with 9.50 to 12.50 m height.

South: Residential buildings with 10 m to 12.50 m height.

East: Residential building with 10 m to 15 m height.

West: Road & residential buildings with 17 m height.

**Road and residential buildings exist between the monument and property.**

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee did not agree with the justification advanced by the applicant and recommended to ASI to reject the case.

#### **19. Regularization of Building constructed at Property No.14, Janpath Lane, New Delhi. (F.No.24/13/2006-M)**

In the first meeting of EAC held on 4.8.2006 the matter related to construction at Property No.14, Janpath Lane was discussed wherein SA, Delhi Circle had informed that the initial construction was taken up despite the objections raised by the ASI. The matter was heard by the Delhi High Court which upheld the ASI's objections. The owner of the property had approached the ASI with a request to –

- (i) Permit him to dismantle the construction which falls in the prohibited area, and allow the completion in the regulated area.
- (ii) Permit him to construct upto a height of 39.40 m.

SA had clarified that in the first 100 m of the regulated area (i.e. 100 m from the prohibited area) ASI permits constructions only upto a height of 15 m.

After further discussions, it was agreed that there should be no objection in allowing the demolition of the portion of the building constructed without ASI's approval in the prohibited area and allowing construction in the first regulated area upto a maximum height of 15 m. The Committee felt that the demolition of the construction in the prohibited area would have a good demonstrative effect.

The applicant has again approached DG, ASI citing various grounds for regularization of the building already constructed.

The appellant has requested that ASI may regularize the building standing as it is, which has a portion of 29 m width and 18.80 m height (approx.) falling in the prohibited area, and 9.50 x 16.52 m falling in the regulated area, as the same was constructed as per the NDMC sanctioned plans and allow further construction of 7 m i.e. the remaining portion to be constructed in the regulated area so as to cover the area sanctioned as per the building plan. We can settle for the same assuring you of no further construction in the prohibited area as the loss will be compensated duly in the regulated area.

OR

In lieu of sacrificing 924 m of sanctioned F.A.R. by the NDMC by not constructing over and above 4<sup>th</sup> floor (already constructed) in the portion of the building falling in the prohibited area, I may be permitted for undertaking construction by raising the height of the portion of the building which falls in the regulated area upto 36.90 m height. If any FAR remains, we may be permitted to avail in the first basement to complete FAR 2.5 as per Master Plan.

SA, Delhi Circle has furnished following details which relates to a case pending before the Apex Court –

The Hon'ble High Court observed in its order that the site of construction i.e. 14, Janpath Lane, New Delhi falls within 100 m from the protected limit of Jantar Mantar, a centrally protected monument and the impugned order dated 30.10.2002 of Delhi High Court is set aside. Further, the Hon'ble Court directed the Central Government to review its notification dated 16.06.1992 within a period of six months from the date of judgement. The ASI filed a SLP No.4191-92/2005 titled ASI Vs Narender Anand & others in the Hon'ble Supreme Court of India with the prayer to pass an ad interim order staying the operation of a limited portion of the order of the Hon'ble High Court dated 23.07.2004 regarding review of the notification dated 16.06.1992. The Hon'ble Supreme Court of India vide order dated 18.02.2005 granted the stay of the limited portion of the judgement of the Hon'ble High Court dated 23.07.2004. Further, Shri Narender Anand filed a SLP (C) no.16847-16847/2005 titled Narender Anand Vs. ASI. The Hon'ble Supreme Court of India vide order dated 8.8.2005 directed to issue notice to all the respondents in the matter and to tag it with SLP No.4191-92/2005, ASI Vs Narender Anand. Shri Narender Anand in his SLP has prayed to the Hon'ble Supreme Court to stay the operation of final judgement and order dated 23.07.2004 passed by the Hon'ble High Court of Delhi in FAO (OS) No.414/2003 whereby petitioner was restrained from carrying out construction at its premises i.e. 14, Janpath Lane, New Delhi without obtaining permission from the ASI. The ASI has filed reply affidavit in the matter and is stressing the fact that the construction at site is unauthorised and falls within the prohibited area (100 m) of Jantar Mantar, a centrally protected monument.

SA, Delhi Circle gave a detailed presentation on the proposal with the help of area map, Google Earth images, photographs and drawings.

#### Decision

The Committee after knowing the background of the case felt that it may not be appropriate for the ASI to take any decision since the matter is sub-judice with Hon'ble Supreme Court.

**20. Request for re-construction at Property No.N-182, Panchsheel Park, New Delhi in favour of Smt. Swarn Dilawari (F.No.24/5/2009-M)**

The applicant has appealed to DG, ASI for grant of permission for reconstruction of the existing building, which had been constructed in 1967/68 comprising of only the ground floor and mummy. Her request for permission to undertake reconstruction was rejected by Delhi Circle since the property is located in the prohibited area of Siri Fort wall, a protected monument. She has stated that her house is insufficient for family needs and is crumbling - not safe to live in. She has stated that the Fort Wall is not visible from her house as there are 12 to 15 houses between her property and the monument and as such reconstruction of her house shall not endanger the monument and obstruct its view. She has requested for grant of permission to re-construct a residential building having height of 15 m along with basement (-1.82 m), at par with the height of buildings surrounding her house.

SA has submitted that the property falls in the prohibited area and the distance is 30 m from the monument. The maximum height of existing building including the mummy is 7 m. He has furnished following additional details explaining the ground conditions –

North: Residential buildings with 10.50 m height

South: Residential buildings with 9 m to 12.50 m height

East: Residential buildings with 12.50 m height

West: Colony road and residential buildings with 7.50 m to 12.50 m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

#### Decision

The Committee, after having perused the documentation done by SA, Delhi Circle recommended that ASI may permit reconstruction of the house upto the maximum height of existing building. While issuing the permission SA, Delhi Circle may re-measure the height of the existing building and make a categorical mention of the same while issuing the permission. It also recommended that the applicant may, however, be permitted to construct mummy, water tank, and parapet on the roof terrace but not the basement.

**21. Request for construction of building at Property No.B-153, East of Kailash, New Delhi in favour of Shri Sudarshan Rao, Shri Rajinder Kumar and Smt. Manju Ginglani. (F.No.24/9/2009-M)**

The applicants have appealed to DG, ASI for permitting them to undertake reconstruction of the building upto the maximum height of 18.50 m upto machine room along with 1.89 m deep basement. Their request had been rejected by SA, Delhi Circle since the property under reference falls in the prohibited area of Ashokan Rock Edict, a

protected monument and is at a distance of 73 m from the monument. The existing building is 10.21 m high. SA, Delhi Circle has furnished following details explaining the ground conditions –

North: Road  
South: Service lane and Residential buildings with 9.50 m to 15 m height  
East: Residential building with 12.50m height  
West: Residential building with 12.50m height  
Road exists in between the monument and the property

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

### Decision

The Committee, on the basis of power-point presentation and the details of the documentation done by Delhi Circle, observed that no damage is likely to be caused either to the monument or the existing sky-line since many buildings already exist in close surroundings of the plot where the reconstruction has been proposed. It therefore, recommended that the ASI may permit reconstruction of the building upto the maximum height of 15 m inclusive of utility structures on the roof terrace like mumty, machine room, water tank and parapet wall with -1.89 m deep basement, subject to adherence of MCD Building Bye-Laws.

### **22. Request of Shri Arvind Ghei for addition and alteration on existing building at Property No.T-540, Mahrishi Daynand Marg, Malviya Nagar, New Delhi (F.No.24/28/2009-M)**

The applicant has appealed to DG, ASI for undertaking addition and alteration in the existing building upto the height of 15 m. The proposal is for addition of first, second and third floors over the existing ground floor building which is of 3.76 m high.

The applicant has stated that there are several buildings with height ranging from 8 m to 15 m. in close vicinity and the existing premises of the building is being used as a restaurant. The addition and alteration in the existing building have been proposed keeping in view the forthcoming Common Wealth Games – 2010. SA, Delhi Circle has informed that the site of construction is located in the prohibited area and is at a distance of 31 m from the monument i.e. Lal Gumbad. SA has furnished following details pertaining to ground conditions –

North: Residential Building with 12.5m height  
South: Maharshi Dayanand Marg with commercial building 5m to 12.5m height  
East: Residential Building with 8m height  
West: Monument

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings around the monument Google Earth images, photographs and drawings.

### Decision

The Committee observed that the applicant has proposed for construction at a site which is abutting the premises of Lal Gumbad, a protected monument and that too for

commercial use. It recommended that the application may be rejected by ASI since the construction is likely to cause damage to the present sky-line.

**23. Request of Shri Nitin Aggarwal, Hi-VAC Investments Pvt. Ltd.107, H-1, Garg Tower, Netaji Subhash Place, Pitampura, Delhi for construction near Tripolia Gate, Delhi.(F.No.24/23/2009-M)**

The applicant has appealed to DG, ASI for grant of NOC for construction on a vacant plot which is located in the prohibited area of Tripolia Gate, a centrally protected monument at a distance of 18 m. The applicant intends to undertake construction of a residential building having a maximum height of 12.115 m comprising ground, first and second floors with mummy. In support of his request, he has given his justifications.

His request for grant of permission had been rejected by SA, Delhi Circle. SA has, however, furnished following details in respect of the ground conditions –

North: Colony Road and residential buildings with 3m to 12.50m height.  
South: Open land.  
East: Open land.  
West: G.T. Karnal Road and Tripolia Gate, a centrally protected monument.  
Road exists in between the monument and the property.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings in close vicinity of the monument Google Earth images, photographs and drawings.

Decision

The Committee did not recommend any construction on the vacant plot which is next to Tripolia Gate. It, however, observed that ASI may come out with a set of guidelines for similar cases.

**24. Request for Construction of building at Property No.C-84, Shivalik, New Delhi in favour of Mrs. Ajeet Kaur (F.No.24/7/2009-M)**

Mrs. Ajit Kaur intends to construct a building at the Property upto the height of 18.03 m including machine room with 1.82 m deep basement. The site falls in the prohibited area of Sarai Shahji, a protected monument and is at a distance of 6 m from the monument. SA, Delhi Circle has informed that the applicant desires to construct a residential building with 18.03 meters height from ground level including machine room along with 1.82m (6' feet) deep basement.

North: Vacant Plot and Residential building with 7.50m height.  
South: Path way leading to the monument and vacant plot  
East: Road and Residential buildings with 9 to 12 m height  
West: Pathway, open area and ancient ruins

It has been informed that the applicant could not construct the house because of Notification issued in 1992.

The matter relates to Writ Petition No. 18393/2005- Rehabilitation Ministry Employees Co-operative House Building Society Ltd. Shivalik V/S Archaeological Survey of India. The High Court directed that the Committee of Archaeological Survey of

India shall examine the cases of petitioners (Plot No.s 1,21,24,46,54,75,83,84,85,90,91,107,116 & 121 in the Block-C Shivalik, New Delhi) for grant of NOC. The decision of the Committee shall be placed on record by the respondent with an additional affidavit before the next date of hearing.

SA, Delhi Circle made a power-point presentation on the proposal before the members of Expert Advisory Committee in its 19<sup>th</sup> meeting held on 22.1.2009 with the help of photographs, area map, drawings and Google Earth image besides the details on the height of existing buildings in close vicinity.

The Committee recommended that the ASI may grant permission for reconstruction at par with the height of the building existing next to the property i.e. C-82, Shivalik, New Delhi. It further recommended that SA, Delhi Circle should ascertain the exact height of the neighbouring building and intimate the fact to the Director General who may then grant the requisite permission.

SA, Delhi Circle has now submitted following details –

- A) Height from ground level upto terrace – 7.55 mts.
- B) Height of the Parapet Wall – 1.00 m
- C) Height of the mummy/water storage tank – 2.55 mts.
- D) The basement is also existing.

#### Decision

The Committee, taking note of the details furnished by SA, Delhi Circle, recommended that ASI may permit construction on the plot upto a maximum height of 7.55 m (terrace level) and mummy/water tank over the roof terrace upto the maximum height of 2.55 m with basement (1.74 m) at par with the height of the building existing next to it i.e. C-82, Shivalik, New Delhi.

**25. Permission for construction at Property No. C-83, Shivalik, New Delhi in favour of Shri Ram Dhan Khattar, S/o Shri Kanshi Ram and Capt. Inder Bir Singh Uppal, S/o Lt. Col. R.S. Uppal (F.No.24/8/2009-M)**

The request is for grant of permission for construction of a building in the prohibited area of Sarai Shahji, a protected monument and is at a distance of 6 m from the monument. The applicant wants to construct the house upto a height of 13.71 m with 1.74 m deep basement.

SA, Delhi Circle had furnished following details explaining the ground conditions-

- North: Residential building with 7.50m height.
- South: Path way leading to the monument and vacant plot
- East: Road and Residential buildings with 9 to 12 m height
- West: Path way, open area and ancient ruins

The applicant could not construct the house at the plot due to 1992 Notification.

The matter relates to Writ Petition No. 18393/2005- Rehabilitation Ministry Employees Co-operative House Building Society Ltd. Shivalik V/S Archaeological Survey of India . The High Court directed that the Committee of Archaeological Survey of

India shall examine the cases of petitioners (Plot No.s 1,21,24,46,54,75,83,84,85,90,91,107,116 & 121 in the Block-C Shivalik, New Delhi) for grant of NOC. The decision of the Committee shall be placed on record by the respondent with an additional affidavit before the next date of hearing.

SA, Delhi Circle made a power-point presentation before the members of Expert Advisory Committee in its 19<sup>th</sup> meeting held on 22.1.2009 on the proposal with the help of photographs drawings, area map showing details on height of the existing buildings, Google Earth image, etc., explaining the ground condition.

The Committee recommended that the ASI may grant permission for construction upto a maximum height at par with the height of the adjacent building existing at Property No. C-82 with basement, since the construction upto the height so restricted shall not mar the view of the monument as many buildings already exist in close vicinity. It was recommended that SA, Delhi Circle may intimate the details to Director General who may then issue the permission duly mentioning the maximum permissible height.

SA, Delhi Circle has submitted following details –

- A) Height from ground level upto terrace – 7.55 mts.
- B) Height of the Parapet Wall – 1.00 m
- C) Height of the mummy/water storage tank – 2.55 mts.
- D) The basement is also existing.

#### Decision

The Committee, on the basis of details furnished by SA, Delhi Circle, recommended that ASI may allow construction on the plot upto a maximum height of 7.55 m (terrace level) and mummy/water tank over the roof terrace upto the maximum height of 2.55 m (with -1.74 m deep basement) at par with the height of the building existing next to it i.e. C-82, Shivalik, New Delhi.

**26. Providing and laying of Bela Road Sewer by micro tunnelling and open excavation method submitted by Executive Engineer (C), DR.IX, Delhi Jal Board Govt. of NCT of Delhi, Jagriti SPS Karkardooma Xing Delhi (F.No.24/61/2009-M)**

The Executive Engineer (C)DR IX Delhi Jal Board (Govt. of NCT of Delhi) SPS, Karkardooma Xing Delhi-92 has submitted the proposal as under: (i) laying of 1200mm diameter sewer-line from Nigam Bodh Pumping Station (near Hanuman Mandir) to ISBT (ii) laying of 600mm dia sewer line from ISBT to St. Stephens Hospital through micro tunnelling (iii) laying of 600mm dia from ISBT to Chandigram Akhara through micro tunnelling (iv) laying of 600mm dia from Chandi Ram Akhara to LP. Collage through confined space excavation and further rehabilitation of existing 300mm dia sewer line from LP. College to Old Secretariat. As per the proposal the minimum depth of the sewer line is 4.11 m and the maximum depth is 8.6m. The site was jointly inspected by the officials of Archaeological Survey of India and Delhi Jal Board. During the inspection, it was observed that in the first stretch of proposed sewer-line from Nigam Bodh Pumping Station (near Hanuman Mandir) to ISBT Kashmere Gate, it is running parallel to the unprotected portion of City Wall upto a point near Kashmiri Gate, which forms a part of protected stretch of the City Wall of Sahajahanabad. This alignment of proposed sewer-line is running for most part of its length on the Ghat side of Ring Road except for a minor

length from jacking pit opposite Hanuman Temple where it is proposed to be laid by opening, through the extant unprotected portion of City Wall to culminate at Pump House near MCD office behind Hanuman Temple. For laying sewer-line below ground through unprotected portion of City Wall, Delhi Jal Board was advised to look for some other alternative or seek permission from the Department of Archaeology, Government of NCT of Delhi, MCD and other concerned authorities and ensure that no damage is caused to the City Wall. The nearest proposed alignment of sewer line is falling in the prohibited area of Water Bastion of City Wall, a centrally protected monument at a distance of 17m. The junction of sewer line is at a distance of 53.2m. The stretch of proposed sewer-line from ISBT to St. Stephen Hospital is falling in the prohibited area of City Wall, a centrally protected monument. The distance varies from 21.45m to 40.69m. In the proposed stretch of sewer-line from ISBT to Chandgi Ram Akhara the alignment is coming in the prohibited area of Kudasia Bagh Mosque, a centrally protected monument at a distance of 60m approx.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map, Google Earth images, photographs and drawings.

### Decision

The Committee recommended that ASI may permit laying of the sewer by micro-tunnelling and open excavation methods to the Delhi Jal Board subject to following conditions –

- (i) Delhi Jal Board shall not cause any damage to the City Wall of Shahjahanabad in any manner and would take due measures to ensure that the sewer-line passes through the City Wall at a level much lower than its foundation.
- (ii) ASI officials, trained in archaeology, shall be involved in excavation/digging operation and a prior communication shall be sent by Delhi Jal Board to ASI before the commencement of the work so that the ASI officials remain at the site to oversee the work, collect the required data and retrieve the archaeological remains, if any.
- (iii) The Contractor to be given instructions by Delhi Jal Board to ensure adherence to the conditions (i) & (ii) above.
- (iv) At the time of trenchless digging, foundation details of the City Wall need to be collected by ASI officials.
- (v) Delhi Jal Board shall arrange the labourers at their cost for digging a trench outside the City Wall to collect the details on the foundation and construction of the Wall. This should be done by Delhi Jal Board well before the commencement of actual work at site.



**27. 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)**

SA, Delhi Circle informed that the DDA has so far not submitted the detailed proposal and the drawings and none from the DDA was present.

Decision

The Committee desired that the DDA may be asked to submit the details to ASI well in advance and make a presentation in the next meeting of the Committee.

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

