

MUNICIPAL CORPORATION OF DELHI
Office of the Additional Commissioner (Engineering)
Town Hall, Chandni Chowk, Delhi-110006

No.289 / Addl. Cm.(E) / 2009/ Sec BHQ

Dated: 22/12/2009

OFFICE ORDER

Subject: Simplified procedure for Building permits for Residential plotted Development which form part of the approved lay out plan only and falling within the limits of MCD.

The Building Bye laws, 1983 are applicable in Municipal limits. As per provisions of DMC Act, 1957 under Section .332,333 allowed within the Municipal limits without prior approval of Commissioner.

A. SCOPE

B. In the existing procedure, further simplification has been made for the sanction of the Building plan application immediately to the individual residential plots which forms part of the approved layout plan of the colony.

C. Building plan Application will be prepared by the Architect registered with the Council of Architecture only and the same shall be dealt with on merits for approval immediately within the following week on submission of the proposal as per building Bye Laws 1983, MPD- 2021, and the policies of the Department in vogue. The Building plans for plots upto the size of 400 sq. Yards, under this scheme shall be approved by concerned Ex, Engineer (bldg.) Of the Zone and the building plan beyond 400 sq. Yards shall be dealt with by the Superintending Engineer (bldg). HQ in the following manner:-

- 1 This procedure is applicable for the plots which forms part of the approved layout plan with respect to its size, shape and area of plot and where position of garage block road width & land use have been clearly shown in the approved lay out plan. **The plots falling in the unauthorized regularized colonies, urban villages, Bungalow area of Civil Lines and Sahajahanabad (Walled City) and its extension and special area, notified streets under mixed use regulation and floor wise sanction will not be covered under this procedure.**
- 2 The Building permit notice shall be given by the Owner (S) through his Architect(S) in the office of concerned Ex. Engineer (Bldg.) of the Zone or in the office of Superintending Engineer (Bldg) HQ as the case may be along

with necessary documents and other affidavits/ undertakings/ indemnity Bonds in prescribed Performa as per the prevailing procedure and mentioned in the attached note for sanction. In case, the Building plan application submitted under this scheme is not in order with respect to number of documents required, the same shall not be accepted and reasons for not accepting the proposal shall be recorded on the application itself by the officer on duty.

The responsibility of authenticity/ genuineness & validity of the documents submitted by Owner (S) and Architect (S) shall lie with them only.

- 3 For expeditious and effective implementation of the scheme, the Town planning Department will immediately post copies of all approved layout plans of various colonies on MCD Website. As well as make copies of approved layout plan available on sale to the general public and Architect on price.

Similarly SE (planning) will post copies of all approved alignment plans of roads showing the portion of plots affected in road widening on MCD Website. In addition to this, they shall also put on sale the copies of the approved alignment plans of roads to general public and architect on price.

- 4 A counselling service shall remain available to the Architect (S)/ Owner (S) at bldg. HQ and concerned zonal office of MCD. Where all facilities shall be extended to the Architect (S)/ Owner (S) like as to how to fill up the building plan application, calculation of fee & other charges, making correction on the plans and receiving sanction on the spot.
- 5 For the cases of plotted development where some specific decision is warranted, which could not be sorted out by the architect, Ex Engineer (Bldg) of zone and Superintending Engineer (Bldg.) HQ, same would be placed before Building plan Committee or concerned authority by Executive Engineer of the Zone & Superintending Engineer (Bldg) HQ as the case may be.
- 6 The powers to sanction the building plans for residential plotted development shall vest in Superintending Engineer (Bldg). HQ and Ex. Engineer (Bldg) of the zone as per section 491 of the DMC Act, 1957, as applicable as on date.
- 7 **One Assistant Engineer and two Jr. Engineers in each Zone shall be deputed for disposal of application of occupancy certificate within two weeks. In case any deviation from sanctioned building plan is noticed by them, it would immediately be notified to the concerned Executive Engineer of the zone for initiating demolition/sealing action under the law. Action against architect & owner shall also be initiated.**
- 8 **The Zonal Building Department shall also ensure to display the details of sanctioned building plans & issue of completion certificate on MCD website.**

B. PROCEDURE FOR ACCEPTANCE OF BUILDING PLAN APPLICATION SHALL BE AS FOLLOWS:-

1 The proposal with all requisite information's, documents, affidavits & indemnity bond, NOCs and certifications duly signed by the owner/ architect shall be accepted and sanction shall be accorded immediately within the following week after payment of requisite fees, levies and charges.

2 All the plans and documents shall be duly signed by the owner (S) and the registered architect (S), registered with the Council of Architecture. The Architect shall indicate his/her name & address and Registration Number on the plans and the forms as required preferably in the form of stamp.

3 No building plan application shall be deemed valid unless & until the owner(S) / architect (S) giving notice has paid the all requisite permit fee and other charges i. e stacking charges, betterment charges, levies, labour cess charges and other charges applicable for the individual plot.

4 Building Plans Application selected for test check shall only be scrutinized in all respect by the staff of Building Department.

5 The documents relating to ownership of each & every case shall be examined by the concerned staff of Building Department and action shall be taken accordingly. Further, all the applicable charges (including Cess Charges) shall be calculated by the staff of Building Department on the basis of data provided by the Architect and the Applicant.

6 The applicability of NOC with respect to DMRC & ASI on the basis of plans/ lists available shall be ensured at the time of processing the Building plan Application. In case both or any on of the NOC is required, the building plan application shall not be considered.

C CONDITION OF SANCTION:

1 Building plan application will be entertained/ accepted and sanction will be issued under Section 336 of the DMC Act, 1957 and under the provisions of Building Bye-Laws, 1983 Master plan for Delhi 2021 & other zonal regulations.

2 A stamp shall be affixed on the plans and the sanction letter that the sanction has been accorded on the basis of documents/ affidavit/ undertaking submitted by the registered architect (S) and the owner (S). In case, any misrepresentation, discrepancy in respect of provisions of Master Plan of Delhi 2021, Building Bye Laws, 1983 and other Zoning Regulations is found at any stage, sanction shall be deemed revoked, beside other action including forgery for giving wrong statement against the architect (S)/ owner (S) will be taken. The defaulting architect (S) shall not be allowed to submit the building plans under this scheme

in future in MCD and the matter shall be reported to the Council of Architecture to take appropriate action against the concerned architect.

3 The Architect shall be responsible to ensure that building plans submitted for immediate sanction under this procedure, has been prepared in accordance with the provisions of MPD-2021, BBLs, 1983 & other Zoning regulations applicable. In case, any violation is found at any stage, sanction accorded shall be deemed revoked besides other actions and no claim shall be made from MCD by the owner for the construction carried out in lieu of this sanction.

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D TEST CHECK:

The procedure of Test Check to be followed shall be as under:-

The cases for random test check will be selected to the extent of 20% of the cases from the list of sanctioned issued during the preceding month, through a computerized programme which shall be put up to the Additional Commissioner (Engg.) and the Deputy Commissioner of the Zone for the cases sanctioned at Building (HQ) and zone respectively for the preceding month within 1st week of the month. The details of the cases selected for sanction and test check shall be maintained in a separate register

- (I) After selection of cases for test check by the competent authority, the Record Keeper will put up the building plan files to the Executive Engineer concerned who will assigned the job of scrutiny to respective Assistant Engineer & Jr. Engineer as the case may be.
- (II) On selection of the case file, the concerned Executive Engineer or Assistant Engineer would fix up the time of inspection of the site and a letter to owner & Architect will be issued under the signature of Executive Engineer (Bldg.) HQ and Assistant Engineer of zone respectively. **The test check shall be carried out within 60 dayes from the date of draw.**
- (III) The documents submitted along with the building plan application shall be authenticated by the architect and would be responsible for any

misrepresentation along with the owner. In case any shortcoming with respect to forms, certificate, affidavits required is noticed, same shall be asked from owner & architect to comply/ rectify the same, if any major misrepresentation found, explanation of the architect will be called.

- (IV) **The proposal sanctioned shall be examined with respect to applicable Development Control Norms permissible under the provisions of MPD-2021, Building Bye Laws, 1983 and other Zoning Regulations. The site shall be inspected to verify the statement of Architect & owner in respect of the submitted proposal vis-a-vis applicable development control norms.**

In case the proposal is for construction of building after demolishing the existing structure or part thereof (and proposed demolition of existing structure during the course of construction), in such cases, the statement of architect & owner to be verified to the extent that existing structure proposed for demolition is with valid proof and falling within the proposal. And for outside the proposal, the equivalent area has been deleted from the proposal.

In case, no valid proof of the existing structure proposed for demolition has been submitted, the same is demolished before sanction of the building plan.

- (v) Any mis-representation, **false statement found in Building plan Application** shall be reported by the JE/AE as the case may be.
- VI) The file shall be submitted by the JE (B) or AE (Bldg.) of the Zone/ EE(B) HQ to SE (B) HQ for further orders.
- vii) In case no action is warranted, the file shall be sent to the record.
- VIII) In case of lapses where minor action (i.e submission of any form/ document/ affidavit, minor correction in the plans etc.) is warranted on the part of the architect & owner in submission of documents & Plans shall be got rectified.
- iX) **In case of major lapses (i.e misrepresentation or fraudulent statement contained in the notice of building permit, concealment of fact, existing**

structure which are non-compoundable i.e infringement of setback etc., number of dwelling units, ground coverage, FAR and extra floor beyond permissible, etc.) where major action is warranted, the action as per DMC Act, 1957 shall be initiated. The file shall be processed for explanation of the architect and a reference shall be made to the Council of Architecture against the professional misconduct of the Architect, including revocation of the building plans. And action, if warranted against the owner shall also be taken as per the provisions of the Law and the DMC Act, 1957.

- X) The Building (HQ) and the Building Department of the Zone shall initiate action against the Architect accordingly and final outcome of the proceedings shall be communicated to the Building(HQ). The Building (HQ) shall circulate the details of such Architect to all Zones not to entertain the Building Plan Application under the supervision of defaulter Architect.
- XI) **The architect shall ensure that no building after completion, where plans have been sanctioned under this procedure is occupied without obtaining occupancy certificate from MCD. In case, building is either occupied or put to use, same shall be reported to the concerned building department of MCD for initiating necessary action for submission of wrong affidavit and other action as per Law.**

The Senior authorities are at liberty to exercise the check of any such sanction plan over and above the aforesaid stipulation. Zonal authorities are required to submit details of sanction plan on monthly basis latest by 5th of the next month including the cases of mis- representation observed during random check.

The building department of the Zone shall carry out the inspection of the properties/ premises during construction period as per the laid down procedure already circulated. It shall be ensured that the construction is being carried out as per the provisions laid down in MPD-2021/ Building Bye Laws, 1983 and other Zoning Regulations. Discrepancy/ violation in respect of sanction, if any found, shall be reported to the sanctioning authority i. e EE(B) of the Zone/ SE(B) HQ as the case may be.

This supersedes Circular No. D- 238/ Addl.Cm.(Engg.)/2008 dated 16.12.2008.

DISTRIBUTION

1. All Deputy Commissioners of the Zones
2. All Superintending Engineers
3. ADC(IT)- for posting the information on MCD website.

Copy for information to:-

1. All Additional Commissioners
2. Chief Vigilance Officer
3. Secy. To Commissioner
4. Engineer-in-Chief
5. Chief Law Officer
6. All Chief Engineers
7. Chief Town Planner for necessary action.
8. Chief Architect
9. Council of Architecture.

Copy for kind information to:-

- 1 Hon'ble Mayor, MCD
- 2 Dy. Mayor, MCD
- 3 Chairman, Standing Committee.
- 4 Dy. Chairman, Standing Committee.
- 5 Leader of the House.
- 6 Leader of the Opposition.

Additional Commissioner(Engg.)

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