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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 5th March, 2020

+ **CM(M) 1725/2019 and CM APPL. 52110/2019**

+ **CM(M) 1726/2019 and CM APPL. 52112/2019**

RAM DHARI JINDAL MEMORIAL TRUST (REGD) Petitioner

Through:: Mr. Jasmeet Singh, Ms. Tejaswini
and Ms. Jaskaran Kaur, Advocates
(M: 8826431200).

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Mr. Akhil Mittal, Standing
Counsel and Mr. Vivek Singhal,
Advocate (M: 9212504099).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. Ld. counsel for the parties submit that an order has been passed by the Appellate Tribunal (MCD), remanding the matter back to the Tribunal for fresh adjudication.
2. The present petition was filed by the Petitioner - a registered charitable trust (*hereinafter, "Trust"*) running the Jindal International School in Rohini, Delhi. As recorded in the order dated 4th December, 2019, the Jindal Institute of Technology, a skill development institute run by the Petitioner, wanted to expand and hence, permission was sought for sanctioning the new site plan. Various objections were raised in respect of the new building plan. Finally, on 27th June, 2017, permission for construction of the building was refused by the Respondent – North Delhi

Municipal Corporation (*hereinafter*, 'NrDMC').

3. Assailing the order dated 27th June, 2017, the Trust filed an appeal before the Appellate Tribunal (MCD). The said appeal remained pending. In this context, the order dated 4th December, 2019 was passed by this Court, which reads as under: -

"2. The present petitions have been filed by the Petitioner - Ram Dhari Jindal Memorial Trust (Regd.), which is running the Jindal International School on its land at Village Shahbad Daulatpur, Sector-28, Rohini, Delhi. The case of the Petitioner is that it provides education at a nominal cost to children from a poor background, especially those located in the Jhuggi Jhoupri Resettlement Colony of Shahbad Dairy. The skill development institute, known as the Jindal Institute of Technology (hereinafter, "JIT"), was set up in 2002. With an intention to expand JIT, the Petitioner sought permission for the sanction of a new building plan. The said application was submitted to the North Delhi Municipal Corporation (hereinafter, "North DMC") by the Petitioner on 14th March, 2017 and the No Objection Certificate from the Chief Fire Officer was submitted on 9th May, 2017.

3. On 17th May, 2017, several objections were raised by the North DMC. The same were replied to by the Petitioner on 29th May, 2017. However, permission for construction of the new building was refused on 27th June, 2017. The letter for rejection reads as under:

*"With reference to your application No. **10038603** dated **11/05/2017**, for the grant of sanction for the erection of building/execution of work in House No. _____, Plot No. **khassra no 22 39**, Block No. Scheme _____ Situated at **JINDAL INSTITUTE OF TECHNOLOGY, KHASRA NO 22 AND 39, VILLAGE SHAHBAD DAULAT PUR, SECTOR 28, ROHINI**. I am directed to inform you that the*

sanction has been refused on 21/06/2017 on the following grounds.

- 1.*
- 2.”*

4. A perusal of the above shows that no reasons, whatsoever, were given for refusing the application. The Petitioner's school continues to function in the existing building with insufficient space. The Petitioner then preferred an appeal in January, 2018, before the Appellate Tribunal: MCD, against the refusal of sanction dated 27th June, 2017, which continues to remain pending. The Petitioner is aggrieved by the fact that while there is insufficient space in the existing building, the sanction for the new building plan is not being given. The Petitioner is, in fact, running JIT from a small space which is insufficient for the students who are being provided skill development. The Petitioner, thereafter, made a representation to the government, in response to which reasons were given for refusal of the sanction vide letter dated 28th August, 2017.

5. A perusal of the above facts shows that there is insensitivity being demonstrated by the Respondent towards the needs of the Petitioner, which is a charitable organisation running a skill development institution. The Respondent, being a municipal authority meant for sanctioning building plans, is adopting a completely adversarial approach. The Petitioner is not guilty of any infractions at this point. The Petitioner has applied for the sanction of a building plan. The same has simply been rejected by a cryptic order, without any reasons, whatsoever.

6. When any person applies for sanctioning of a plan, prior to the sanctioning, there ought to be a mechanism by which the authority concerned can guide the applicant as to the manner in which the same can be constructed to be in compliance with the bye-laws. The municipal authority can have a help-desk, which shall provide assistance to the citizens.

7. Instead of adopting a cooperative and positive approach, the facts reveal that the North DMC has been completely adversarial in its approach, which has resulted in the plan not being sanctioned since 2017. The Tribunal is also not hearing the matter for the last 2 years and JIT is unable to commence construction of its new building. In the above facts and circumstances, it is directed as under:

a) The Tribunal shall hear the appeal fixed before it on the date fixed i.e., 20th January, 2020 and pass orders within a period of one month thereafter.

b) Ld. counsel appearing for the North DMC shall take instructions regarding the feasibility of setting up a help desk, in order to aid or assist persons that are similarly situated so that building plans can be sanctioned in a time-bound manner, in accordance with the bye-laws.

8. List on 24th February, 2020. Let the order passed by the Tribunal be placed before this Court.”

4. In so far as the appeal itself is concerned, since the order has now been passed by the Tribunal, the same has become infructuous. In so far as setting up the facility of a help desk is concerned, Mr. Sudhir Nandrajog, ld. senior counsel, relies upon paragraph 15 of the affidavit of the NrDMC which sets out various steps taken by the NrDMC for helping architects and other stakeholders to get their plan sanctioned. Paragraph 15 of the reply reads as under: -

“15. In reference to the orders and directions passed by this Hon'ble Court vide order dated 04.12.2019 the respondents respectfully submits that a Help-desk and facilitation of stakeholders in getting the building plan sanctioned is open to the General Public and Architects, it is submitted that an IT helpdesk for the purpose already exists to facilitate the architects and applicants. Further, a Helpdesk has been working at

the Corporation level on every Wednesday wherein any architect/applicant can refer their grievances with the officials of Building HQ. To resolve the day to day issues of architects and officials, two Whatsapp Groups have been formed wherein the issues of concerned architects and officers linked with Online Building Plan Sanction (OBPS) including NOC Agencies under Ease of Doing Business (EODB) are members to resolve the issues quickly. Besides, a Facebook account is also working wherein architects and officials can raise their issues. Under the EODB, the building plan applications are being dealt in a time bound manner with a total of 30 days to the departments (i/c 15 days for the NOC agencies) and a total of 30 days for architect for making the compliances on refer-backs, if any. The Deptt. and the architect are taking action within stipulated time. The North DMC has also provided a on line and toll free Help Desk through its web site "northmcdcallcenter.com" in order to assist and to provide information to the general public with regard to information required, and through toll free numbers "18002008701/1800118700" and also through FAX 011-6680001. These efforts has resulted into tremendous improvement and thereby jump of India Rank from 185 to 27 in the past two years and whereas Delhi is at 13 Rank among worldwide 190 Countries."

5. It is his submission that the above steps have considerably reduced the time-lag in sanctioning of building plans.
6. This Court has perused the various steps mentioned in paragraph 15 extracted above. While measures in terms of setting up of a help desk that sits one day in a week and enabling communication through electronic modes, including by WhatsApp, Facebook accounts etc., appears to be in place, the NrDMC could consider setting-up physical help desks more

frequently and ensuring that the official who mans the help desk is of the rank of Superintendent Engineer or Assistant Engineer who has the power and understanding to actually resolve the issue at the help desk. This would ensure that the issues that have arisen in the present case do not continue to repeat themselves inasmuch as the non-sanctioning of a building plan and rejecting the building plan, that too without any reasons, can cause immense prejudice to the parties who await sanctioning of the building plans.

7. With these observations, the petition and all pending applications are disposed of. *Dasti.*

PRATHIBA M. SINGH
JUDGE

MARCH 05, 2020

MR/T

(corrected and released on 16th March, 2020)