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

+ W.P.(C) 15901/2024 & CM APPL. 34603/2025

PUJA DEVI

.....Petitioner

Through: Mr. Sohail Khan, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, Advocate with
Mr. Sachin Singh Shahi, Mr. Shashi,
Mr. Arnav, Advocate for MCD.
Email. m.guptaadvocate@yahoo.in
Mr. Neeraj Kumar, Advocate for
DDA
M: 9811338696
Mr. Hasibuddin, Mr. Ghulam Sarwer,
Advocates for R-4.
Mob: 9810468429

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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29.05.2025

CM APPL. 34603/2025

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the respondent no. 4 for disposal of the present petition, in view of the Status Reports filed on behalf of respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD"), and respondent no. 3, i.e., Special Task Force ("STF").
2. This Court notes that in its earlier Status Report dated 18th December, 2024, the respondent no. 1 – MCD, had stated as follows:-



“xxx xxx xxx

3. That so as to ascertain the status of the subject property the area field staff of Building Department-I, Central Zone of MCD has inspected the same and also referred to record maintain in this office. The status of the actions as initiated/taken are detailed herein below:-

i. During inspection, by the field staff subject property has been identified as Property No. 275, Gali No. 13, Zakir Nagar, New Delhi.

ii. **On inspection by the concerned filed staff, it has been revealed that construction at subject property is being carried after obtaining Sanction Building Plan vide ID No. 10092812** from the professional, Shri Naresh Kumar, Architect (CA/2016/78406) under Low Risk Category under Low Risk Category for construction of a residential building having provision of Basement, Stilt, Ground floor to Third Floor. As per clause 3.1.1.2(ii) of Unified Building Bye-Laws-2016, Professionals (Architects, Structural Engineer and Supervisors) are empowered to grant sanction of building plan for residential building falling under "Low Risk Category". The low risk category is defined as vacant plot above 105 SQM and up to 500 SQM in size and below 15 Meter height. However, proposal requires NOC/ approval from external agency or fall along the notified roads does not allow to be considered under this clause. The absolute reliance is made on the submission of Owner(s) and his/ her Architect regarding compliance of relevant provisions of Building Bye Laws-20 16/ Master Plan/ Zonal Plan in the submitted proposal. Therefore, Owner, Architect and Structural Engineer are to remain responsible for any shortcoming or misrepresentation or noncompliance of applicable provision of UBBLs-2016/ Master Plan-2021 in the submitted proposal. Copy of sanctioned building plan having ID No. 10092812 is annexed herewith as **Annexure: A.**

iii. During inspection, it has been noticed that the property is structurally complete from Basement, Stilt, Ground Floor to Third Floor. Photographs showing the present status of the property are annexed herewith as **Annexure: B.**

iv. The Owner/ Builder of the property has submitted a representation along with an affidavit undertaking therein to demolish/ rectify the existing deviations/ excess coverage from the subject property within 15 days. The Owner/ Builder of the property has also undertaken to get the subject premises compounded at the time of issuance of completion certificate.”

(Emphasis Supplied)



3. Subsequently, an additional Status Report dated 21st March, 2025, has been filed on behalf of the MCD, wherein, it has been stated as follows:-

“xxx xxx xxx

4. That it is most respectfully submitted that at the time of initial inspection of the site by the concerned Junior Engineer (Bldg.), the existing coverage was found beyond the sanctioned coverage. However, extent of the same could not be ascertained since it requires existing building plan to draw conclusion whether the excess coverage is compoundable or non-compoundable and the precise extent of the same. It is submitted that excess coverage beyond the sanctioned plan remains actionable regardless of fact whether the same is within the ambit of permissible norms of Master Plan-2021 and is compoundable. The owner needs to get the same compounded/ regularized to avoid actions as per provisions of DMC Act, 1957. As per record, Dr. Nahid, the owner applied for regularization of excess coverage along with existing building plan. The answering respondent processed the case vide File No. 100/B/UCR/CZ/2025 dated 08/01/2025. The inspection and measurement of existing coverage revealed that entire excess coverage beyond the sanctioned plan is within the permissible norms of Master Plan-2021 and is compoundable. The existing status of structure of subject property in terms of coverage is as under:

Description of Floor	Permissible Area as per MPD-2021 (In Sqm)	Sanctioned Area (In Sqm)	Existing Area (In Sqm)	Remarks
Basement	187.50 (Free from FAR)	159.319 Free from FAR)	146.37 Free from FAR)	There entire excess coverage is within the permissible norms. There is no non-compoundable area.
Stilt	187.50 (Free from FAR)	159.319 (Free from FAR)	181.72 (Free from FAR)	
Ground	187.50	159.319	181.72	
First	187.50	159.319	181.72	
Second	187.50	159.319	181.72	
Third	187.50	159.319	177.56	
Total	750	637.276	722.72	

5. The owner has deposited an amount of Rs. 1,83,300/- on account of compounding fee and Rs. 30,200/- on account of labour cess. The existing structure of the building is in accordance with Master Plan-2021/UBBLs-2016.

6. That in view of the given status of the subject property, no action is



warranted on the part of the answering respondent.”

(Emphasis Supplied)

4. Perusal of the aforesaid Status Reports filed by the MCD, categorically show that the construction in the property in question, was being done pursuant to a Sanctioned Building Plan dated 8th October, 2021. Further, the deviations which were found in the property in question, have already been regularized.

5. This Court also takes note of the Status Report of the STF dated 09th April, 2025, wherein, the STF has stated as follows:-

“xxx xxx xxx

3. That, pursuant to the directions passed by this Hon’ble Court vide order dated 19.12.2024, the answering respondent sought the report of the MCD, wherein it has been revealed that the construction in respect of subject property is being carried out after obtaining Sanctioned Building Plan vide online ID No. 10092812 dated 08.10.2021 through registered Architect Shri Naresh Kumar. Copy of the report received from the MCD building department dated 22.11.2024 is annexed as Annexure - P1.

xxx xxx xxx

6. That, as the construction of the subject property is already being carried out after obtaining Sanctioned Building Plan thus, no action was required qua the subject property from the respondent no. 3 and the complaint bearing reference no. SNS2024111190P was closed with the remarks "NO ACTION REQUIRED" dated 28.03.2025. Copy of the reference details is annexed as Annexure - P4.

7. That, in view of the above-mentioned facts and circumstances, it is submitted that no action is required from the answering respondent, thus the present Writ Petition may be disposed of in accordance with law.”

(Emphasis Supplied)

6. Perusal of the aforesaid Report of the STF shows that it is the clear stand of STF that no action is required to be taken *qua* property in question.



7. Considering the aforesaid, no further orders are required to be passed by this Court in the present petition.
8. Accordingly, the present petition, along with the pending application, is disposed of.
9. The next date of hearing, i.e., 13th October, 2025, stands cancelled.

MINI PUSHKARNA, J.

MAY 29, 2025/neha