

**MINUTES OF THE 97th MEETING OF THE HERITAGE CONSERVATION
COMMITTEE (HCC) HELD ON FRIDAY, MARCH 12, 2021**

Item No.1: Building plans in respect of Plot no. 1259-60, Gali Guliyan, Jama Masjid.

1. The proposal was forwarded by the North DMC (online) for consideration of the HCC. It was earlier considered by the Heritage Conservation Committee (HCC) at its meeting held on January 2, 2019, and the proposal was not approved, the following observations were made:

*“1. The proposal was forwarded by the North DMC online for consideration of the HCC. The proposal is in Grade-III of heritage notified list of MCD area.
2. The proposal was scrutinized. It was found that the informations/materials forwarded are incomplete since no site photographs and report have been received.
3. So as to assess the ground situation, it was decided that a site visit of the premises will be made by a sub-committee comprising of the following:-*

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|--------------------------|-----|--------------------------------|
| 1. Prof. Rommel Mehta | ... | Member HCC |
| 2. Ms. Vertika Sharma | ... | Member HCC |
| 3. Shri P. Dinesh | ... | Senior Town Planner, North DMC |
| 4. Member Secretary, HCC | ... | Member convener” |

2. The Sub-Committee made a site visit on February 13, 2019 and the observations of the sub-committee are as given below:

*“i. As the property was found to be sealed by the North DMC, the members were unable to enter the premises for inspection.
ii. At the first instance, it was observed that a lot of heritage character must have been there inside the heritage building which seems to have been demolished.
iii. From outside, a lot of new construction has been noticed up to the level of the second floor.
iv. Considering all the aspects, it was decided to request the building department, City S.P. zone to submit a status report with respect to the sealing of the premises and other actions taken in this regard.
v. To assess the overall heritage character of the building, it was decided to request the owner, as well as North DMC to submit the original pictures, drawings, documents etc., of the original structure, to understand the extent of its heritage character.”*

3. The recommendations of the sub-committee were accepted by the HCC at its meeting held on February 20, 2019.
4. In response to the HCC’s above observations, the revised proposal received from North DMC (online) was scrutinized. The comments received from the concerned local body i.e. North DMC vide letter no: AE (B)/CSPZ/D-2258 dated 18.02.2021 with the status of the heritage property as under:

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“...Status of Property:

.....1. The property was booked against u/c of entire Ground floor, First floor, Second floor on dated 12.01.2018 and demolition order was passed dated 30.10.2018.

2. Sealing order u/s 345-A of the DMC Act was passed on 30.10.2018. Now the property is sealed....”

5. The Committee observed that since the property is in grade-III of the gazette notified list of the heritage buildings in Delhi, it must have contained heritage elements at site. Moreover, a lot of new construction have been noticed upto the level of second floor during site inspection without taking necessary approvals from the concerned authority including HCC.
6. The Committee deliberated into the matter further taking into consideration the provisions as stipulated under clause 1.4 of annexure-II, Unified Building Bye Laws 2016 for Delhi, the same are reproduced as under:

1.4 Penalties:

Violation of the regulations shall be punishable under the provisions regarding unauthorized development. In case of proved deliberate neglect of and/ or damage to Heritage Buildings and Heritage precincts, or if the building is allowed to be damaged or destroyed due to neglect or any other reason, in addition to penal action provided under the concerned Act, no permission to construct any new building shall be granted on the site if a Heritage Building or Building in a Heritage Precinct is damaged or pulled down without appropriate permission from Commissioner, MCD/ Vice-Chairman DDA/ Chairman NDMC.

It shall be open to the Heritage Conservation Committee to consider a request for rebuilding/ reconstruction of a Heritage Building that was unauthorized demolished or damaged, provided that the total built-up area in all floors put together in such new construction is not in excess of the total built up area in all floors put together in the original Heritage Building in the same form and style in addition to other controls that may be specified.

7. In view of the above, the HCC decided to reject the proposal and reiterated the earlier observations of the sub-committee that :

“..... the owner, as well as North DMC to submit the original pictures, drawings, documents etc., of the original structure, to understand the extent of its heritage character.....”

Item No.2: Plans in respect of Interior renovation at Ground floor & mezzanine floor, G-35, Connaught Place.

1. The proposal forwarded by the NDMC (online) was scrutinized. It included the work in terms of remove existing paneling and providing new paneling, remove existing false ceiling and providing new false ceiling, new plaster, paint & paneling on walls, New false ceiling, new partitions, installing new doors, re-positioning one existing door, re-tiling of broken tiles, removing existing entry steps and making new steps, re-tiling and fixing of old plumbing in toilets (fixtures to stay in the same place), refurbishing the steps leading to mezzanine, replacing existing shutter, changing entry glass door, all signages to be as per NDMC norms, the structural safety of the building and buildings in the vicinity should be ensured, no changes/projections to be done on the external side/façade, which should be retained as per the original design.
2. The proposal received (online) was scrutinized and found acceptable, the following observations were made:
 - a) No changes/projections are permitted on the external side/facade, which should be retained as per the original design.
 - b) The structural safety of the buildings should be ensured. Heritage Character comprising of architectural elements such as arches, cornices, quoins, gables, architraves, Palladian-style windows etc., should be retained in the modifications.
 - c) It was suggested to use the energy-saving fittings and fixtures for all electrical appliances and sanitary fittings.
 - d) NDMC shall ensure that the placement, size, colour, text etc. of the signages/signboards etc. to be as per approved policy/guidelines prepared by NDMC for the Connaught place area.

Additional items:

Addl. Item No.1: Repair and Interior renovation in respect of Premises No. C-11, Ground Floor and Basement, Inner Circle, Connaught Place.

1. The proposal was forwarded by the NDMC (online) for consideration of the Heritage Conservation Committee (HCC). Earlier, the HCC did not approve the proposal at its meeting held on February 10, 2019, specific observations were made:

“The proposal forwarded by the NDMC (online) was scrutinized.

A. Background of the proposal as provided by NDMC:

1. *The proposal was earlier submitted by the project proponent to NDMC who found short comings in the proposal, in terms of guidelines issued by HCC vide its letter dated June 19, 2019, which are reproduced below:*

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- “... (a) (i) Existing site photographs should clearly show external facade & all internal wall face along with ceiling & floors accompanying the proposal of each floor besides photographs of the specific area where changes are proposed and should be properly numbered/named on the plan.
(ii) Site photographs should be submitted to ensure that the site is properly visible as existing or else will necessitate going for a site visit.
(iii) Clarity and quality of photographs should be ensured.
(b) Three-dimensional views should clearly show the existing and proposed design changes and should correspond to drawings.
(c) The drawings showing existing & proposed changes should be superimposed to clearly highlight the proposed modifications.
(d) No changes/projections are permitted on the external side/facade, which alter the original heritage structure.
(e) Heritage value and structural stability of the structure affected due to the changes proposed also be indicated on the superimposed drawings.
(f) Heritage Character comprising of architectural elements such as arches, cornices, quoins, gables, architraves, Palladian-style windows etc. should be retained.”
2. Accordingly, NDMC vide their reference dated 23.10.2020 conveyed the short comings to the project proponent on 06.11.2020. In response, the project proponent submitted their replies to the NDMC on 29.01.2021. Meanwhile the project proponent started carrying out the construction activity at site without taking prior approval of HCC.
3. Accordingly, NDMC issued a stoppage order which was challenged by the project proponent in the Hon'ble Delhi High Court. The Hon'ble Court order dated 13.01.2021 stipulated as follow:
- “...3. Let the authorised representative of the petitioner visit the office of the respondent on 14.01.2021 at 3.00 p.m. and furnish all the requisite documents as may be required by the Chief Architect for forwarding the case of the petitioner to the Heritage Conservation Committee.
4. Once the documents have been furnished, respondent shall process the application of the petitioner expeditiously....”
4. Subsequently, in terms of the directions of the Hon'ble Court, the project proponent submitted copies of the plans etc. to NDMC vide mail on 19.01.2021. After examining the application and scrutiny of the plans, NDMC again found deficiencies viz-a-viz the aforesaid guidelines issued by the HCC on 19.06.2019. The deficiencies were conveyed to the project proponent by the NDMC on 22.01.2021.
5. While the deficiencies were yet to be fulfilled, the matter again came up before the Hon'ble Delhi High Court on 28.01.2021. The High Court order dated 28.01.2021 stipulated as follow:
- “... forward the application of these petitioners as it is alongwith the document submitted, to the HCC for its consideration.
7. In case there is any deficiency and any further requirement from the Petitioner, HCC shall communicate the deficiency and submit a report to the Court...
- ... 10. The HCC on receipt of the application shall proceed further and submit a report within 15 days as mandated by Clause 2.3.3(b) of the Unified Building Bye-laws...”

6. *The project proponent submitted the revised proposal to the NDMC who again found deficiencies in terms of the guidelines of the HCC.*

B. Observations of the HCC:

1. *As per directions of the Hon'ble Delhi High Court order dated 28.01.2021, NDMC has forwarded the proposal to Heritage Conservation Committee (HCC) online. In terms of the directions of the Hon'ble Delhi High Court the proposal has to be considered by the HCC and its decision be conveyed within 15 days.*
2. *As per clause 1.3 of the Annexure-II of the Unified Building Bye Laws 2016 for Delhi (UBBL) additions/alterations, repair, renovations including painting of the listed buildings shall not be allowed except with the prior permission of the Chairman NDMC. Before granting such permission, NDMC shall consult the Heritage Conservation Committee.*
3. *The proposal for Repair and Interior renovation forwarded by NDMC (online) was scrutinized by the HCC and the following observations were made:*
 - a) *There is a mismatch between the submitted existing site photographs of premises and existing site drawings.*
 - i. *Internal door and partition wall which are visible in existing site photographs is not shown in existing drawings.*
 - ii. *Exit door on rear side as shown in existing site drawings also not seen in existing site photographs.*
 - iii. *From existing site photographs it was evident that the showroom is still functioning in the premises whereas existing site drawing does not reflect the same.*
 - b) *As the Heritage Conservation Committee (HCC) approves the drawings, the correct site drawings are required for consideration by HCC.*
 - c) *The opening of rear door defaces the heritage character and adversely affects the structural stability of the heritage building.*
 - d) *Overlapped layout plan mentions a list of works to be executed including plumbing works at sr. no-9. Internal photographs of the existing toilet along with fittings and fixtures and 3D views of proposal with fittings & fixtures to be submitted for consideration of HCC.*
4. *The proposal shows an empty premise. The HCC intend to consider the proposed use of the premises after renovation as heritage and structural stability of the building may be affected by the proposed changes.*
5. *HCC opined that the proposal submitted by the architect/proponent is incomplete. In absence of complete information provided to HCC, it was difficult to comprehend the proposal.*
6. *In view of the above, the proposal is returned to the concerned local body i.e. NDMC for resubmission with request to get it rectified and resubmit the revised proposal incorporating all the deficiencies indicated above."*

2. The revised proposal received (online) was scrutinized and found acceptable, following observations were made:
 - a. No changes/projections are permitted on the external side/facade, which should be retained as per the original design.
 - b. The structural safety of the buildings should be ensured. Heritage Character comprising of architectural elements such as arches, cornices, quoins, gables, architraves, Palladian-style windows etc. should be retained in the modifications.
 - c. It was suggested to use the energy-saving fittings and fixtures for all electrical appliances and sanitary fittings.
 - d. NDMC shall ensure that the placement, size, colour, text etc. of the signages/signboards etc. to be as per approved policy/guidelines prepared by NDMC for the Connaught place area.

Addl. Item No.2: Building plans in respect of Plot no. 460 (Old) and 1414-1415 (New, Ward-V, Gali Kishan Dutt, Maliwara (Ballimaran).

1. The proposal was forwarded by the North DMC (online) for consideration of the Heritage Conservation Committee (HCC). The proposal was scrutinized. It was observed that proposal is in Grade-IIA at sr. no. 39 of gazette notified supplementary list of 551 heritage sites notified under section 7.26 of Delhi Building Byelaws for conservation and Protection under the jurisdiction of North Delhi Municipal Corporation.
2. It was observed that as per gazette notified list the heritage property has been listed “*Ayurveda Seva Samiti Aushadhalaya*”. But, the proposal has been received for additions/alterations with substantial modifications with its probable implications on the existing heritage structure. The proposal appears to have been modified to the extent that provisions have been made for the shops on ground floor and residential units on the upper floors till third floor above.
3. The provisions as stipulated under clause 1.12 grading of the listed Buildings/Listed Precincts for Grade-II heritage buildings are as follows:

“...Heritage Grade-II (A&B) comprises of buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale in Heritage Grade-I. They are local landmarks, which contribute to the image and identify of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.

Heritage Grade-II deserves intelligent conservation.

(Grade-II (A) Internal changes and adaptive re-use may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special

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aspects for which it is included in Heritage Grade- II. Grade-II (B) In addition to the above, extension or additional building in the same plot or compound could in certain circumstances, be allowed provided that the extension/ additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts especially in terms of height and façade.

Development permission for the changes would be given on the advice of the Heritage Conservation Committee.

All development in areas surrounding Heritage Grade-II shall be regulated and controlled, ensuring l that it does not mar the grandeur of, or view from Heritage Grade-II....”

4. Also, it was observed that the informations/materials/appropriate number of uncut existing site photographs/existing site drawings etc. forwarded to HCC for its consideration are not appropriate and comprehensible to understand the overall heritage scheme clearly.
5. In view of the above, the HCC decided to reject the proposal. So as to assess the ground situation, it was decided that a site visit of the premises will be made by a sub-committee comprising of the following:-
 - a) Dr. Archana Verma ... Member HCC
 - b) Shri Rajeev Sood ... Chief Architect, NDMC, Member HCC
 - c) Shri P. Dinesh ... Chief Town Planner, South & North DMC
 - d) Member Secretary, HCC... Member convener

sd/-

(Kamran Rizvi)
Chairman, HCC
Additional Secretary (D&UT),
Ministry of Housing & Urban Affairs,
Government of India

sd/-

(Ruby Kaushal)
Member-Secretary
Heritage Conservation Committee