

**MINUTES OF THE 99th MEETING (ONLINE) OF THE HERITAGE CONSERVATION
COMMITTEE (HCC) HELD ON FRIDAY, JULY 2, 2021**

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

1. The proposal, a listed grade-III heritage property indicated at serial no. 236 (*plot no-1259*) of the gazette notified heritage building vide notification no: F.13 (43)/MB/UD/2014/1602 dated 29.07.2016 was forwarded by the North DMC (online) for consideration of the HCC.

Background:

“The Heritage Conservation Committee (HCC) did not approve the building plan proposal at its meeting held on March 12, 2021 following observations were given:

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:*

"...Status of Property:

.....1. The property was booked against u/c of entire Ground floor, First floor, Second floor on dated 23.10.2018 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 1.4 of annexure-II, Unified Building Bye Laws 2016 (UBBL) 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....."*

2. The revised building plan proposal received (online) was scrutinized along with the comments received from the concerned local body i.e. North DMC vide letter no: AE(B)/CSPZ/D-322 dated 10.06.2021, reply of the architect/proponent and in terms of the clause 1.2 of the annexure-II of the UBBL for Delhi-2016:

1.2 Responsibility of the Owners of Heritage Buildings:

It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the buildings. The Government, the Municipal Corporation of Delhi or the Local Bodies and Authorities concerned shall not be responsible for such repair and maintenance except for the buildings owned by the Government, the Municipal Corporation of Delhi or the other local bodies.

3. Taking into consideration the facts enumerated above, the HCC reiterated its earlier decision taken at its meeting held on March 12, 2021 the proposal was not approved and the following observations were given:
 - a) 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.
 - b) Discrepancies observed in the drawings show that all previous existing plans submitted in the proposal appear to be different. The same needs to be clarified. The plans of the ground floor, part of first floor & second floor have been shown as existing but the photographs clearly indicate ongoing construction at the site, thus clarification is needed and correlated drawings shall be submitted.
 - c) It was observed that the property was declared as grade-III listed heritage property vide gazette notification no: *F.13 (43)/MB/UD/2014/1602 dated 29.07.2016*. The HCC opines that the property must contain significant heritage elements due to which it was included in the heritage notified list in the year 2016.
 - d) The HCC took a serious view of the fact that the building was included in the gazette notified heritage list in the year 2016 and MCD approved the proposal in the year 2018 without forwarding the case to the HCC for its consideration.
 - e) Accordingly, MCD was requested to submit its endorsements/report etc. as per which the property was included in the gazette notified heritage list in the year 2016, along with all the necessary data to substantiate its heritage significance.
 - f) Also, because of the proximity of the heritage property with the Jama Masjid its distance from the monument shall also be indicated on the layout plan.

- g) Further, the MCD was directed not to send this proposal again for the consideration of the HCC till such time all the pertinent information related to its heritage importance are made available to HCC.

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