

MINUTES OF THE 120th MEETING OF THE HERITAGE CONSERVATION COMMITTEE (HCC) HELD ON THURSDAY, DECEMBER 22, 2022.

| Sl. No | PROPOSAL | OBSERVATIONS /RECOMMENDATIONS | DECISION |
|----------------------|---|---|--|
| A: Proposals: | | | |
| 1. | Building plans in respect of Addition/alteration in 367-368 (Old), 590 (New), Ward no. VIII, Gali Bal Mukand Kucha Pati Ram, Sita Ram Bazar. | <p>1. The proposal was forwarded by the North DMC (Online) for consideration by the HCC. The proposal is in Grade III of the heritage notified list of the MCD area.</p> <p>2. Earlier, the Heritage Conservation Committee (HCC) did not accept the proposal at its meetings held on March 06, 2018, June 17, 2022, and September 23, 2022, respectively with certain specific observations:</p> <p>A: Extracts of observations of the HCC meeting held on March 06, 2018, communicated vide HCC observations letters no: 5(2)/2018-HCC-Online dated 07.03.2018:</p> <p><i>“.....1. The proposal forwarded by the North DMC online was scrutinised. The proposal is in Grade-III of heritage list of MCD area. The proposal was in respect of demolition of part building and reconstruction.</i></p> <p><i>2. Since, the North DMC had not given its comments from the point of existing and proposed building and regulatory provisions point of view, it was decided to return the proposal to North DMC for resubmission after compliance with the aforementioned observations.....”</i></p> <p>B: Extracts of observations of the HCC meeting held on June 17, 2022, communicated vide HCC observation letter no. OL-1406225004 dated 21.06.2022:</p> <p><i>“.....The HCC observed that it has not been provided with substantial documentation i.e. all floor plans, all elevations, sufficient number of photographs of the original heritage building (interior as well as external façade) of the heritage-listed property by the MCD for its consideration. In absence of substantial original data, it is not</i></p> | Not accepted, observations given. |

possible to examine the proposal viz-a-viz original construction judiciously and provide its comments and feedback....”

C: Extracts of observations of the HCC meeting held on September 23, 2022, communicated vide HCC observation letter no.: OL-1409225005 dated 26.09.2022:

- b) “.....the Committee has also taken note that the construction (comprising of ground, first, second and third floor) had already been completed at the site after demolishing the heritage structure without obtaining prior approval of the concerned local body i.e., North DMC and again expressed its strong displeasure. Moreover, North DMC vide their letter dated 06.03.2019 has referred to clause 2.27 (related to Regularisation) of the UBBL 2016 for Delhi in the current context.*
- c) The Committee observed that the property under consideration is a grade-III gazette notified heritage listed property and the provisions, as stipulated under various sections of Annexure-II of UBBL 2016 for Delhi, apply to heritage-listed properties only.*
- d) The Committee also expressed its strong displeasure on the absence of an updated status report from MCD and comments as per Annexure II applicable to Heritage buildings as well as its member representing North DMC and requested their presence in all future meetings.*
- e) In view of the above, it is again reiterated that substantial documentation related to the original heritage listed property including all floor plans, all elevations, a sufficient number of photographs (interior as well as external façade) be submitted to HCC for its consideration accompanied by the detailed comments/observations by the MCD.*
- f) The HCC decided that in absence of substantial original data and updated comments provided by MCD it is not possible to examine the proposal viz-a-viz original construction judiciously, the proposal was found to be not acceptable and returned to the concerned local body i.e., North DMC.....”*

D: Extracts of the letter no: EE(B)-II/CSPZ/2019/D-309 dated 06.03.2019 from Ex. Engineer (B)-II, City-S.P. Zone, North DMC:

“.....he has demolished the front heritage portion also and now the front and back portion merge into one portion only by raising entirely new construction. Hence, at present, the owner/builder has carried out entirely new construction, there is no heritage portion left in the property....”

E: Extracts of the letter no: AE(B)/CSPZ/2022/D-1286 dated 14.11.2022 from AE (PLAN)/CSPZ, Nigam Bhawan, Kashmere Gate, North DMC:

“.....The architect has now submitted a fresh proposal with the Part demolition of the new construction and addition/alteration in the proposal which is within the permissible limits of ground coverage, FAR and height restrictions as per Building Bye Laws.....”

F: Extracts of the decision of the Appellate Tribunal, MCD dated August 31, 2022, in respect of applications no: 637/18, 636/18, 638/18, 176/18, 373/17 & 372/17:

“.....In terms of the letter dated 06.03.2019 the respondent MCD is directed to decide the application of regularization as per the BBL and MPD-2021 and in accordance with law and not by merely mentioning that property is mentioned in the heritage list...”

G: Pointwise reply of the proponent on the previous observations of the HCC:

“...As per the observations of the Committee the proponent is agreed to take penalties as per the norms stipulated in the building bye laws and ready to pay penalties to the MCD.....”

3. The Committee considered the proposal after taking into consideration all the facts as enumerated above from ‘A to G’, provisions as stipulated under Annexure-II of

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| | | <p>UBBL 2016 for Delhi, and other relevant documents, letters & drawings submitted by the architect/proponent, the following observations are to be complied with:</p> <p>a) The Committee reiterated its strong displeasure over the fact that the construction (<i>comprising of ground, first, second and third floors</i>) had already been completed at the site after demolishing the heritage structure without obtaining prior approval of the North DMC and HCC, the heritage building should have been conserved. It was, accordingly, suggested to reinstate the demolished heritage structure to its original form by restoring its heritage character, elements, form, material etc. only then the proposal for additions/alterations be considered by the Committee.</p> <p>b) In view of the above, it is again reiterated that substantial documentation related to the original heritage listed property including all floor plans, all elevations, a sufficient number of photographs (<i>interior as well as external façade</i>) be submitted to HCC for its consideration accompanied by the detailed comments/observations by the MCD.</p> <p>c) Further, the concerned local body i.e., North DMC is requested to ensure compliance with the previous observations of the Committee, by the proponent, before forwarding the proposal for its consideration.</p> | |
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(Ruby Kaushal)
Member-Secretary, HCC