

619/C.

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT. OF N.C.T. OF DELHI
(ADMINISTRATION BRANCH)

No. GA/1076/27/Admn./Misc./D-260

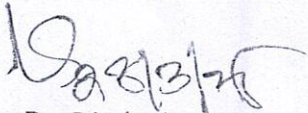
Date 28/3/25

ENDORSEMENT

The copy of under mentioned letter is forwarded herewith for information and further necessary action:-

Name of Deptt.	Circular No. and Date	Subject
Government of NCT of Delhi Department of Urban Development 10 th Level: C-wing, Delhi Secretariat, I.P Estate New Delhi	F.No. 13(132)/LB- II/UD/FWD/2024/113- 120 dated 07.03.2025	Regarding additional directions in case Civil Appeal no. 14604 of 2024 titled Rajendra Kumar Barjataya and Anr. Vs. U.P. Avas Evam Vikas Parishad & Ors. And Civil Appeal no. 14605 of 2024 titled Rajeev Gupta and Others Vs. U.P. Avas Evam Vikas Parishad & Ors. In WC No. 46342 of 2013

Encl: As above

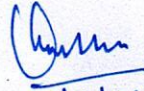

Dy.Dir.(Admn)

Copy to:-

1. PS to CEO (DUSIB) for information.
2. PS to Member (Admn) for information.
3. Chief Engineer, DUSIB
4. All SEs/EEs/Coordn.
5. All Directors/Dy. Directors
6. B&FO/Dy.CA, DUSIB
7. Competent Authority, Tis Hazari Court
8. Dy. Director (IT)- upload on DUSIB website portal.
9. Guard file
10. Office Copy

ADT(IT)


01/4/25


11/4/25

Programmer

Diary No. 447-2024
Date 11/4/25
Computer Division (DUSIB)
Govt. of NCT of Delhi

Diary No.

P-404 (3P)

(3P) R-662/Pr. Dir. (Admn)/25

13.03.25

COURT MATTER

Date 11/3/25

O/o the C.E.O. (DU) GOVERNMENT OF N.C.T. OF DELHI

G.N.C.T. of Delhi DEPARTMENT OF URBAN DEVELOPMENT

10 TH LEVEL: C-WING, DELHI SECRETARIAT,

I.P. ESTATE NEW DELHI

618/C

F.13(132)/LB-II/UD/FWD/2024/113-120

CIRCULAR

R-398/MLA/25
12/03/25

Dated: 07.03.2025

In the matter of Civil Appeal No. 14604 of 2024 titled Rajendra Kumar Barjataya and Anr. Vs. U.P. Avas Evam Vikas Parishad & Ors. and Civil Appeal No. 14605 of 2024 titled Rajeev Gupta and Others Vs. U.P. Avas Evam Vikas Parishad & Ors. in WC No.46342 of 2013 Hon'ble Supreme Court has issued additional directions to the directions earlier issued by the Hon'ble Supreme Court in the matter of demolition of structures in W.P.(Civil) No.295 of 2022 with W.P.(Criminal) No.162 of 2022 and W.P.(Civil) No.328 of 2022, circulated vide circular of even no. dated 07-02-2025.

Now, in the present case Civil Appeal No. 14604 of 2024 titled Rajendra Kumar Barjataya and Anr. Vs. U.P. Avas Evam Vikas Parishad & Ors. and Civil Appeal No. 14605 of 2024 titled Rajeev Gupta and Others Vs. U.P. Avas Evam Vikas Parishad & Ors. in WC No.46342 of 2013, the Hon'ble Supreme Court of India, has issued the following additional directions.

"(i) While issuing the building planning permission, an undertaking be obtained from the builder/applicant, as the case may be, to the effect that possession of the building will be entrusted and/or handed over to the owners/beneficiaries only after obtaining completion/occupation certificate from the authorities concerned.

(ii) The builder/developer/owner shall cause to be displayed at the construction site, a copy of the approved plan during the entire period of construction and the authorities concerned shall inspect the premises periodically and maintain record of such inspection in their official records.

(iii) Upon conducting personal inspection and being satisfied that the building is constructed in accordance with the building planning permission given and there is no deviation in such construction in any manner, the completion/occupation certificate in respect of residential / commercial building, be issued by the authority concerned to the parties concerned, without causing undue delay. If any deviation is noticed, action must be taken in accordance with the Act and the process of issuance of

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completion/occupation certificate should be deferred, unless and until the deviations pointed out are completely rectified.

(iv) All the necessary service connections, such as, Electricity, water supply, sewerage connection, etc., shall be given by the service provider / Board to the buildings only after the production of the completion/occupation certificate.

(v) Even after issuance of completion certificate, deviation / violation if any contrary to the planning permission brought to the notice of the authority immediate steps be taken by the said authority concerned, in accordance with law, against the builder / owner/occupant; and the official, who is responsible for issuance of wrongful completion /occupation certificate shall be proceeded departmentally forthwith.

(vi) No permission /license to conduct any business/trade must be given by any authorities including local bodies of States/Union Territories in any unauthorized building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan and usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place and in consideration of the larger public interest and the impact on the environment.

(viii) Whenever any request is made by the respective authority under the planning department/local body for co-operation from another department to take action against any unauthorized construction, the latter shall render immediate assistance and co-operation and any delay or dereliction would be viewed seriously. The States/UT must also take disciplinary action against the erring officials once it is brought to their knowledge.

(ix) In the event of any application / appeal / revision being filed by the owner or builder against the non-issuance of completion certificate or for regularisation of unauthorised construction or rectification of deviation etc., the same shall be disposed of by the authority concerned, including the pending appeals / revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

(x) If the authorities strictly adhere to the earlier directions issued by this court and those being passed today, they would have deterrent effect and the quantum of litigation before the Tribunal / Courts relating to house / building constructions would come down drastically. Hence, necessary instructions should be issued by all the State/UT Governments in the form of Circular to all

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concerned with a warning that all directions must be scrupulously followed and failure to do so will be viewed seriously, with departmental action being initiated against the erring officials as per law.

(xi) Banks / financial institutions shall sanction loan against any building as a security only after verifying the completion/occupation certificate issued to a building on production of the same by the parties concerned.

(xii) The violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution under the respective laws."

The copy of the judgment of Hon'ble Supreme Court in the matter of Civil Appeal No. 14604 of 2024 titled Rajendra Kumar Barjataya and Anr. Vs. U.P. Avas Evam Vikas Parishad & Ors. and Civil Appeal No. 14605 of 2024 titled Rajeev Gupta and Others Vs. U.P. Avas Evam Vikas Parishad & Ors. in WC No.46342 of 2013 is also enclosed.

It is requested to take appropriate action for compliance of the judgment of Hon'ble Supreme Court of India.

Yours faithfully

(Amitabh Kundoo)
Deputy Director (LB-II)

F.13(97)//LB-II/UD/FWD/2024/ 113-120

Copy to :

Dated: 07.03.2025

1. The Addl. Chief Secretaries/Pr. Secretaries/Secretaries/Head of Department, Govt. of NCT of Delhi.
2. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi.
3. The Commissioner, Municipal Corporation of Delhi, Dr. SPM Civic Centre, Jawahar Lal Nehru Marg, New Delhi-110 002.
4. The Chairperson, New Delhi Municipal Council, Sansad Marg, New Delhi.
5. The Chief Executive Officer, DUSIB, Punarvas Bhawan, ITO, New Delhi.
6. The Chief Executive Officer, Delhi Jal Board, Varunalaya Ph-II, Jhandewalan, New Delhi-110005.
7. The Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt., New Delhi.
8. SO to Chief Secretary, GNCTD for information.

The circular may be brought to the notice of all concerned under the administrative control of Deptt./Organisation.

Deputy Director (LB-II)