

CONFIDENTIAL

Government of India
Ministry of Culture
National Monuments Authority
24, Tilak Marg, New Delhi 110001

MINUTES OF THE 137th MEETING OF NMA

Venue - Conference Hall, NMA Hqrs, 24, Tilak Marg,
New Delhi 110001

Time & Date - 10.30 P.M on 8th June, 2016

The meeting was attended by the following:

1. Prof. Sushmita Pande, Chairperson, NMA
2. Sh. M Saleem Beg, Whole Time Member, NMA
3. Sh. U.K. Sadhav, Whole Time Member, NMA
4. Ms. Shalini Mahajan, Part Time Member, NMA
5. Sh. Navneet Soni, Member Secretary, NMA

Discussion on the court case pertaining to 14-Janpath Lane, New Delhi

At the outset, Member Secretary, NMA gave a chronology of events alongwith complete set of documents to each member. He explained the detailed background of the case starting from 2001 to 2016. He brought on record and explained to the members that a demolition order for this building, constructed by Sh. Narender Anand at 14-Janpath Lane, New Delhi, was passed by DG, ASI on 10.10.2001. The Member Secretary read through the orders of Hon'ble High Court of Delhi, Single Judge Bench in Suit No. 645/02 dated 22.03.2002 and the final decision of the single judge bench in his decision dated 30.10.2002. In this judgement, it was held that Jantar Mantar was not a protected monument, as notification to that effect dated 03/05/1957 was never published in the Gazette. The court also allowed Sh. Anand to construct upto a height of 55 feet. Thereafter, MS, NMA explained to the members the decision of the division bench of Hon'ble High Court of Delhi in FAO-(os) 414 of 2002 dated 23.07.2004. He explained to the members that in this judgement the division bench had come to a conclusion that Jantar Mantar was a protected monument vide notification dated 4.10.1956 read with section 39(2) of the 1958 Act and that notification dated 16.6.1992 prohibits construction within 100 mtrs. of the protected limit of the monument. He also explained to the members that in Para 6.28 of the said judgement dated 23.07.2004, **the Hon'ble High Court had given its finding that no construction activity could be carried out at plot no. 14-Janpath Lane, as it falls within 100 mtrs. of the monument's limit.** Therefore, the division bench set aside the order of single judge bench allowing permission to the builder to construct upto a height of 55 feet.

Finally, MS also explained to the members that in SLP filed by ASI and Sh. Narender Anand before Hon'ble Supreme Court of India in civil appeals no. 2430 and 2431 of 2006 respectively final judgement was passed by the Hon'ble Supreme Court on 16.01.2012, whereby the SLP of ASI was accepted and the SLP of Sh. Narender Anand was found to be

wholly meritless and was dismissed. **Thus, in a nutshell, the status of the building at 14-Janpath Lane, as illegal was confirmed as a result of the orders of the division bench of the Hon'ble High Court and the order of the Supreme Court mentioned above.**

Thereafter, the documents were placed on record regarding NOC granted by NMA in its 94th meeting held on 28.11.2013 giving permission to Sh. Narender Anand for repair and renovation of the disputed structure at 14-Janpath Lane, New Delhi. The synopsis of the case placed before NMA in its 94th meeting, the legal advice given by Sh. Shantanu Krishna, legal retainer of NMA dated 27.11.2013 and the minutes of the 94th meeting granting NOC to Sh. Narender Anand for repair and renovation were also placed on record.

The petition filed by Sh. Shiv Darshan Singh dated 9.11.2015 and the following Show Cause notices dated 29.1.2016, 10.2.2016 and 17.2.2016, issued to Sh. Narender Anand were also read out to all the members. The reply filed by Sh. Narender Anand vide letters dated 30.1.2016, 9.2.2016 and 16.2.2016 were also brought to the notice of members. Finally, the order passed by the Hon'ble High Court of Delhi in writ petition (c3425/2016 and CM No. 14652/2016) dated 30.5.2016 was read out to the members, whereby the court had directed NMA to take a decision regarding the validity of NOC for repair/renovation given to Sh. Narender Anand, before 30.06.2016, and pass a reasoned order and to place the same before Hon'ble Court on the next date of hearing i.e. 15.7.2016.

MS brought to the notice of NMA that Sh. Sanjay Jain, Additional Solicitor General of India, who is also going to represent NMA in this writ petition matter, has given his opinion in a meeting held at his residence at 8.30 pm on 7.6.2016 that the NOC issued by NMA for repair/renovation of the building at 14-Janpath Lane, was **void-ab-initio** and **non-est**, because the building itself was illegal as a result of the orders of Hon'ble High Court (Division Bench) and Hon'ble Supreme Court. Therefore, he was of the opinion that the said NOC was required to be withdrawn immediately, otherwise, it would amount to contempt of court.

Accordingly, NMA has decided that the NOC issued to Sh. Narender Anand for repair/renovation of the disputed building at 14-Janpath lane, shall be withdrawn by a detailed and reasoned order giving complete details of the background of the case. It was decided by NMA that the draft of this order shall be circulated to all the members and the same will be finalized in the next meeting of NMA which will held before 30.06.2016.