D.O.NO.2-9-1238/2022/NOC/NMA
Government of India
Ministry of Culture
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New Delhi, the 24th July, 2023.

To,

Sh. Vinod Singhal, Treasurer
Developers and Builders Forum
3/7, Sarvapriya Vihar,
New Delhi – 110016

Subject: Construction of residential buildings in NCT of Delhi with increased height of 17.5 mtrs. with stilt parking, reg.

Sir,

I am directed to refer to your letter dated 01.06.2023 addressed to Hon'ble Minister of Culture, Tourism and Development of North Eastern Region Shri G. Kishan Reddy requesting to allow construction of residential buildings in NCT of Delhi with increased height of 17.5 mtrs. with stilt parking excluding mumty, in the regulated areas of Centrally Protected Monuments (CPMs), in conformity with the Unified Building Bye-laws & Master Plan for Delhi (MPD) 2021 and in the wake of recent judgement of Hon'ble Supreme Court of India.

2. The matter has been examined by the National Monuments Authority (NMA). The Authority have informed that NMA is following the standard guidelines based on the Heritage Bye Laws of Humayun's Group of Monuments, thereby restricting the maximum height for construction of residential buildings in the regulated area of CPMs in Delhi to 18 mtrs. (inclusive all) i.e. 15 mtrs. as the height of the building plus 3 mtrs. for mumty, parapet etc, except in respect of properties which are in the regulated areas of Nizamuddin Basti Group of Monuments, where NMA permits a height of 15 mtrs (inclusive all) based on the Heritage Bye-Law of this CPM. The amendment in MPD-21 by a notification no. S.O. 2894(E) dated 23rd September 2013, which was published in the official gazette on 21st October 2013 restricted the maximum height of a residential building having stilt parking to 17.5 meters. This aspect was taken into consideration while framing the Bye-Laws of Centrally Protected Monument "Humayun Tomb" which were laid in both houses of Parliament in July, 2019. The HBLs of Centrally Protected Monument "Humayun Tomb" and "Nizamuddin Basti" are being followed with an objective to maintain the visibility of the monuments from the high rise

buildings around them by restricting their heights in the regulated areas surrounding the CPMs in NCT of Delhi.

3. NMA has informed that each of the "Heritage Bye Laws" is duly laid before both houses of the Parliament as per Section 20E(6) of the AMASR Act, 1958, and thus does not require to be notified by issuing of a gazette notification. Further, it is pertinent to mention that in one of the judgements dated 16.01.2012 of the Hon'ble Supreme Court of India, in the matter of *"Archaeological Survey of India Vs Narender Anand and Ors"* in Civil Appeal No. 2430 of 2006, has explicitly mentioned that the AMASR Act, 1958 being a special law enacted for the preservation and protection of ancient monuments prevails over the DDA Act and the MPD framed accordingly.

4. This issues with the approval of Secretary (Culture).

Yours faithfully,

Shobha

(Shobha Rani Tiru)
Under Secretary to the Govt.of India.

Copy for information to:

1. PPS to HCM, Shastri Bhawan, New Delhi.
2. MS, NMA, 24, Tilak Marg, New Delhi.