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

MINUTES OF THE 246th MEETING OF NMA

Venue - NMA Conference Room

Time & Date - 7th October, 2019 at 11.00 am

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The meeting was attended by the following:

1. Shri Tarun Vijay, Chairperson, NMA.
2. Prof. (Dr.) Ashvini Agrawal, Whole Time Member, NMA.
3. Prof. (Dr.) Ajay Khare, Whole Time Member, NMA.
4. Sh. Navneet Soni, Member Secretary, NMA.

Online case

Case No. 379

(Metro Lifestyles India Pvt Ltd Through its Director Sh. Rajinder Kumar Goyal, 10/7, Sarvapriya Vihar, New Delhi)

After perusal of the application, it was decided to **recommend** grant of NOC in this case for construction of Basement+Stilt+GF+3 floors with the total height of the building restricted to 18.00 mtrs (including mumty parapet, water-storage, lift machine room etc.) at 10/7, Sarva Priya Vihar, New Delhi; with proposed floor area of Stilt=GF=FF=SF=TF=187.49 sqm and Basement = 187.05 sqm with depth=4.80 mtrs The NOC is recommended to be granted with the terms and conditions mentioned in report of Competent Authority, Delhi. The applicant should follow the local building bye-laws while constructing the building.

Public case

Case no. 01

(Chief Medical Officer, Varanasi, Office of Chief Medical Officer, Durgakund, Varanasi, Uttar Pradesh)

After going through the Powerpoint Presentation made by the applicant, NMA **recommended** the proposal with the total height restricted to 10 mtrs (all inclusive). Architecture and color combination of the building should be such as to merge with the monument. The revised architectural plan is to be submitted with the approval of ASI for approval of NMA.

Additional Agenda

(Sh. Moinuddin S. Shaikh and others, 1711, Khatri Ni Khadki, Near Topiwala Pole, Kalupur, Ahemdabad, Gujarat)

Authority considered the detailed case history. It was noted that 30 mt height was approved by Archaeological Survey of India before National Monument Authority came into existence. The reason for granting 30 mt height is not known to the authority. After the amended AMASR Act came into existence in 2010, the case was considered by the National Monuments Authority in its 30th meeting held on 27th March, 2012 and the case was recommended with 15 mt height taking into account various aspects viz the height of the monument, the visibility from the proposed site and impact on the monument.

Thereafter it came to the notice that the alleged NOC upto the height of 22.8 meters was allegedly granted to Shri Moinuddin Sarfuddin Shaikh in the 125th meeting of National Monuments Authority for construction. The documents submitted by the applicant were verified from National Monument Authority record and it came to light that no such decision/recommendation of any NOC in this respect was made in the said 125th meeting of NMA. Further, there is no mention in respect of the Said Property of the Petitioner in the minutes of the 125th meeting. For further verification, information was sought from the office of Competent Authority, Gujarat. However, as per their records also, no such application for increase of height of 22.8 was received meters. Hence, NMA has rejected the case.

Subsequently, the applicant had again requested to regularize the construction but it was informed that as per the AMASR Act, the Authority has no power to regularize the unauthorized construction which was done in violation of the permission from National Monuments Authority. Hence, the decision of authority was reiterated.

Now, taking into account the order of the Hon'ble High Court of Gujarat, in Case No.6229 of 2019 the matter was considered devnovo. An opportunity of being heard was given to the applicant and his advocate in 240th meeting of National Monuments Authority held on 04th September, 2019. After considering the directions given by the Hon'ble Gujarat High Court in its order dated 07.08.2019, the complete facts of the case, and also the most important fact that the illegal portion of the building was constructed on the basis of forged documents, apart from its possible implications on all other Centrally Protected Monuments across the country, National Monuments Authority has take a considered decision in accordance with law, to Reject the case.