

Minutes of the 14th meeting of the Expert Advisory Committee to review the cases for construction/reconstruction/ addition/ alteration/renovation of buildings in the prohibited/regulated areas of the centrally protected monuments held on Thursday, 28th March, 2008 at 1.00 pm in the Conference Room, Office of the Director General, Archaeological Survey of India, Janpath, New Delhi.

The meeting was chaired by the Director General, Archaeological Survey of India, and was attended by the following experts/members:

1. Shri J.P. Joshi
2. Prof. Narayani Gupta
3. Prof. Mohammad Shaheer

Besides the above experts, following officers of the Archaeological Survey of India were also present in the meeting:

1. Shri Vijay S. Madan, Additional Director General.
2. Shri A.K. Sinha, Superintending Archaeologist (Monuments)
3. Shri D.V. Sharma, Superintending Archaeologist, Delhi Circle
4. Shri Daljit Singh, Dy. Superintending Archaeologist, Delhi Circle
5. Shri V.K. Swarnkar, Dy. Superintending Archaeologist, Delhi Circle

The Director General, Archaeological Survey of India welcomed the members of the Committee.

In the meeting, the following proposals as per the agenda items were discussed: -

- 1. Permission for reconstruction of existing residential building at property No. N-4, Green Park, New Delhi in respect of Smt. Neeta Kapoor and others.**

The applicant, Smt. Neeta Kapoor and others had applied for construction at Property No. N-4, Green Park Main, New Delhi on 27.7.2007 to the S.A, Delhi Circle but the request was rejected on 16.8.2007 since the property is located in the prohibited area of **BIRAN-KA-GUMBAD**, a centrally protected monument.

The applicant has now approached DG, ASI mentioning that the said property comprising Ground, Ist and IInd floors is in a dangerous condition and not safe to live in as it may collapse at any time. She has requested for grant of permission for reconstruction of the building upto the height of 12.28 m from ground level upto mumty.

The Superintending Archaeologist, Delhi Circle informed the members of the Committee that the building under reference is located at a distance of 50 m from the protected limits of Biran-ka-Gumbad. He further explained that there is a lane on the rear side and a garden between the building under reference and Biran-ka-Gumbad, the nearest centrally protected monument. The neighbouring buildings are built upto a maximum height of 15m (approx).

The members were of the opinion that ASI may grant permission for reconstruction of the existing building upto the existing maximum height 12.28m from the ground level upto mumty subject to the condition that there shall not be any horizontal and vertical expansion of the building and the reconstruction shall be as per the approved plan of the existing building.

They desired that while granting permission, the ASI should refer to the approved plan of the existing building and ensure that relevant restrictions on the volume and floor-wise covered area as per the existing building is suitably mentioned (F.No.24/15/2008-M).

2. Permission for reconstruction/construction at property No. F-1/5, Hauz Khas Enclave, New Delhi in respect of M/s I.C. Construction and Services.

The applicant M/s I.C. Construction and Services had applied for reconstruction of property No. F-1/5, Hauz Khas Enclave, New Delhi on 15.11.2007 to the Superintending Archaeologist, ASI, Delhi Circle. The request was rejected vide letter dated 4.1.2008 since the property is located at a distance of 69 m. from the protected limit of **CHOR MINAR**, a centrally protected monument and as such falls in the prohibited area.

The applicant has appealed to DG, ASI for grant of permission for reconstruction of the building upto the maximum height of 12.8 m which includes Ground, Ist and IInd floors with mumty alongwith 1.98 m deep basement.

The applicant has informed that there exist a number of buildings at property nos. F-1/8, F-1/1, F-1/11, F-12A, R-21, Q-2 and Q-2A in between his property and Chor Minar, a centrally protected monument and as such

the view of the monument will not be further affected if permission for reconstruction is granted by the ASI.

Superintending Archaeologist, Delhi Circle gave a power-point presentation informing the members that there is a row of houses located between the property under reference and Chor Minar, a centrally protected monument. The Archaeological Survey of India has already accorded permission for reconstruction of building at Property No.F-1/11 upto a height of 9.93m which is located between the property under reference and the monument. He also informed that the neighbouring buildings are built upto the maximum height of 12.50m.

The members of the Committee observed that the site of rectification / modification of the existing building does not face the protected monument hence the view of the monument is not likely to be affected any further. Permission for rectification / modification could therefore be granted by ASI upto the maximum height of 9.93m subject to the condition that the applicant does not go for any additional construction.

The members desired that ASI while granting permission should mention floor-wise covered area of the existing building beyond which reconstruction shall not be undertaken by the applicant (F.No.24/9/2008-M).

3. Permission for reconstruction of existing residential building at property No.N-140, Panchsheel Park, New Delhi in respect of Shri S.S.H. Rehman.

The property under reference is located at a distance of about 8.00m from the protected limit of the ruins of **SIRI FORT WALL**, a centrally protected monument and falls within the prohibited area. The property was earlier owned by Shri Lalit Suri, who was granted permission for taking up repairs like re-plastering, re-flooring, replacement of doors and windows within the existing building as per the duly marked drawings vide letter dated 14.10.2005.

But instead of undertaking repairs as permitted, the then owner had started dismantling the roof slabs of ground floor with the apparent intention to lay new RCC slabs for which no permission had been granted. On observing the violation of the permission granted for repairs, it was withdrawn on 25.10.2005.

On 22nd November, 2005, Shri Habib Rehman, N-115, Panchsheel Park, New Delhi informed that he has purchased the property No. N-140, Panchsheel Park,

New Delhi and wants to undertake repairs and renovation for which permission may be granted.

Shri S.S.H. Rehman was informed immediately thereafter that since the property falls in the prohibited area it may not be possible for the Archaeological Survey of India to grant permission for taking up any construction/reconstruction/addition/ alteration as per the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules, 1959, Notification 1992. He was also informed about the withdrawal of permission for repairs on 25.10.2005.

Subsequently, Shri Habib Rehman approached Delhi Circle on 29.1.2007 for permission to take up repairs and renovation of the property with duly marked drawings of the existing building. The same was forwarded to the DG, ASI. After getting approval of the DG, ASI on 27th July 2007, permission was granted for repairs and renovation of existing building including reflooring, re-plastering, sanitary work, wood work, outside plaster and electrical work on 7.8.2007.

The applicant has now approached DG, ASI for reconstruction of a new building at the aforesaid plot as per the Municipal Corporation of Delhi Building Byelaws upto the height of the existing building i.e. 10.52m and 1.90m deep basement. He has also mentioned that there are a number of buildings located close to the monument which have a height of 10.67m to 13.4m. He has further informed that the permission for the reconstruction of a building has already been accorded by ASI to N-154, Panchsheel Park, which is located in the vicinity.

Superintending Archaeologist, Delhi Circle apprised the members of the Committee that the property under reference is located at a distance of 8m from the protected limit of the ruins of Siri Fort Wall, a centrally protected monument and as such falls in the prohibited area. There is an open area between the monument and proposed site of construction.

The members of the Committee on the basis of existing ground conditions were of the view that the ASI may grant permission for reconstruction of the existing building upto the maximum height of 10.52m subject to the condition that no vertical or horizontal expansion is undertaken by the applicant and the reconstruction is carried out as per approved plan of the existing building and the total built up area, whichever is less.

The Committee members while looking at the photographs presented by SA, Delhi Circle observed that the second floor of the existing building is only partly built

and the area covered by it is much less than approved by MCD in 1992. Hence, while granting permission, that restriction should be imposed that the applicant shall not undertake any additional construction i.e. more than what is presently existing. ASI, while issuing formal permission shall make special mention of maximum floor-wise covered area which the applicant may reconstruct based upon the built up floor-wise covered area of the existing building.

The members of the Committee were also of the view that ASI may not grant permission for construction of the basement as the house is located very close to the monument (F.No.24/4/2008-M).

4. Permission for reconstruction of existing residential building at property No. N-162, Panchsheel Park, New Delhi in respect of Shri Naveen Bahri

The applicant, Shri Naveen Bahri had applied for issue of permission for the reconstruction of the existing building at property No. N-162, Panchsheel Park, New Delhi on 7.5.2003 to the Superintending Archaeologist, Delhi Circle. The request was rejected since the property is located at a distance of 16m from the nearest bastion i.e. the protected limit of ruins of **SIRI FORT WALL**, a centrally protected monument and as such falls in the prohibited area.

The applicant has appealed to DG, ASI for reconstruction of property upto 10.744m height alongwith 1.981 m deep basement in place of 9.75 m high existing structure from ground level upto mumty. He has submitted that the building is quite old and the bona-fide needs of the family have also increased. Further, he apprised that buildings in the vicinity are much higher than his building.

The members of the Committee, after being explained the ground situations by SA, Delhi Circle with the help of photographs, drawings and area map, were of the view that the ASI may permit reconstruction of the house upto the maximum height of 9.75m (i.e height of the existing building). It was also advised by the members that while granting permission, complete floor-wise documentation of the building in existence should be done by ASI Delhi Circle and floor-wise reconstruction as per the existing building based upon the approved building plan and built-up area should be restricted. Exclusive floor-wise covered area details should be specially mentioned in the permission letter so that the owner does not undertake construction beyond the existing building.

The members also felt that ASI should not allow construction of basement keeping in view the fact that the site of construction is very close to the protected monument (F.No.24/3/2008-M).

5. No Objection Certificate for addition/construction of existing residential building at Property No. X-19, Hauz Khas Enclave, New Delhi in respect of Shri Pradeep Aggarwal.

The applicant, Shri Pradeep Aggarwal had applied for reconstruction of Property No. X-19, Hauz Khas Enclave, New Delhi on 29.10.1003 to SA, Delhi Circle. The request was rejected on 24.11.2004 since the property is located at a distance of 45.00m from the protected limit of **NILI MASJID**, a centrally protected monument and as such falls in the prohibited area.

The applicant has now appealed to the DG, ASI for grant of permission for additional construction of 1st and 2nd floors on the existing ground floor upto the maximum height of 12.5m from ground level upto mumty / machine room.

SA, Delhi Circle gave a presentation on the proposal and informed the members of Expert Advisory Committee that Property Nos.X-19 & X-20, Hauz Khas Enclave, New Delhi have single storeyed buildings accommodating a School. There are buildings located between the site under reference and Nili Masjid, a centrally protected monument and their height varies from 10 to 15m.

The Expert Advisory Committee members, after looking at the photographs and area map, felt that permission for additional construction upto the maximum height of 12.50m from ground level upto mumty / machine room may be accorded by the ASI, considering that additional construction at the site shall not further obstruct the view of the monument as a number of buildings with a height of upto 15m already exist in the close vicinity of the monument (F.No.24/12/2008-M).

6. Permission for addition / construction of existing residential building at Propvery No.X-20, Hauz Khas Enclave, New Delhi in respect of Shir Deepak Wadhawa.

The applicant, Shri Deepak Wadhawa had applied for reconstruction of Property No.X-20, Hauz Khas Enclave, New Delhi on 21.9.2003 to the SA, Delhi Circle.

The request was rejected on 4.11.2004 since the property is located at a distance of 53m from the protected limit of NILI MASJID, a centrally protected monument and as such falls in the prohibited area.

The applicant has now appealed to DG, ASI for additional construction of first and second floors on the existing ground floor upto the maximum height of 12.5m from ground level and mumty/machine room.

SA, Delhi Circle gave a power-point presentation on the proposal and informed the members of Expert Advisory Committee that Property Nos.X-19 & X-20, Hauz Khas Enclave, New Delhi are single storeyed buildings accommodating a school. There are buildings located between the site under reference and Nili Masjid, a centrally protected monument and their height varies from 10 to 15m.

The Expert Advisory Committee members, after looking at the photographs and area map, felt that permission for additional construction upto the maximum height of 12.50m from ground level upto mumty / machine room may be accorded by the ASI since additional construction at the site shall not obstruct the view of the monument (F.No.24/13/2008-M).

7. Permission for the construction of property No.4843/24, Ansari Road, Darya Ganj, New Delhi in respect of Dr. A.K. Walia.

Dr. A.K. Walia had applied for reconstruction after demolition of existing building at property No. No.4843 / 24, Ansari Road, Darya Ganj, New Delhi to SA, Delhi Circle on 26.3.2004. But the request was rejected since the property is located at distance of 12.30m from the protected limit of the **CITY WALL OF SHAHJAHANABAD**, a centrally protected monument and as such falls in the prohibited area.

Now the applicant has made an appeal to the DG, ASI for issue of permission to undertake reconstruction at his property. The applicant has mentioned that this is his ancestral property and is in dilapidated condition. He has also mentioned that the surrounding buildings are built upto three storeys and his property is located across the road from the centrally protected monument. The view of the wall or safety of the monument is not going to be affected in any manner if permission to rebuild his building upto 15 m height along with basement is granted.

Superintending Archaeologist, Delhi Circle gave a power-point presentation and explained the ground situation with the help of photographs and drawings. He

also informed that the property under reference is located at a distance of 12.30 m from the protected limit of City Wall, Darya ganj, a centrally protected monument. The height of the surrounding buildings varies from 10 to 15m and there is a road on the southern side running between the monument and the site under reference.

The Expert Committee members felt that permission for reconstruction of ground, first and second floors upto the maximum height of 13m may be accorded by ASI since reconstruction of the house shall not obstruct the view of the monument. However, construction of basement may not be permitted considering the proximity of the site to the protected monument (F.No.24/10/2008-M).

8. No Objection Certificate for reconstruction of existing residential building at Property No.4240/6-C, Plot No.2/33, Ansari Road, Darya Ganj, Delhi in respect of Smt. Maya Devi.

The applicant Smt. Maya Devi had applied for reconstruction of Property No. 4240/6-C, Plot No.2/33, Ansari Road, Darya Ganj, Delhi on 20.9.2007 to Superintending Archaeologist, Delhi Circle but the same was rejected since the property is located at distance of 81m from the protected limit of **CITY WALL**, Darya Ganj, a centrally protected monument and as such falls in the prohibited area.

The applicant has now approached DG, ASI mentioning that there are three rows of already built houses in between her property and the protected limit of City Wall, Darya Ganj and as such the view of the monument will not be affected even if permission is given to her for reconstruction of her property upto a height of 16.76m from ground level with machine room, and with permission to construct a 1.828m deep basement.

The SA, Delhi Circle, while explaining the proposal with the help of photographs, area map and drawings, apprised the members of the Committee that the property under reference is surrounded by buildings varying in height from 9.50m to 12.50m approx. and there are rows of houses between the monument and property under reference.

The Expert Advisory Committee members felt that ASI may accord permission for reconstruction upto the maximum height of 12.50m (including mumty, machine room and water tank) subject to the condition that the applicant shall not undertake any horizontal expansion while reconstructing. ASI should make special mention in the permission about the existing floor-wise covered

area beyond which reconstruction shall not be undertaken. The construction of a basement may not be permitted on account of the proximity of the house to the monument (F.No.24/11/2008-M).

9. Permission for additional construction at 26, Siri Fort Road, in respect of Shri Shashi Kant Sikand.

Shri Shashi Kant Sikand on behalf of his mother Shrimati Savitri Devi Sikand had applied for the additional/alteration in respect of property No. 26, Siri Fort Road, on 25.10.2004 to Superintending Archaeologist, ASI, Delhi Circle.

The site was inspected on 20.11.2004 by a team of ASI officials and it was reported that the distance between the site of proposed construction/addition and protected limit of **SIRI FORT WALL** could not be ascertained due to the following factors: (a) the Wall is buried under the ground, and (b) the protected limit of Siri Fort Wall is not clear.

The Superintending Archaeologist, ASI, Delhi Circle approached the Revenue Authorities and DDA to demarcate Khasra Nos. 88, 265 and 477 in which Siri Fort Wall falls. Despite several reminders and even issue of directions by the Lok Adalat of DDA, the Revenue authorities failed to demarcate the Khasra Nos. In the meantime, field exercise was undertaken by the officials of Delhi Circle and it was decided that since the actual protected limit could not be ascertained, the measurement may be taken from the ruined line of the Siri Fort Wall to dispose off the case. Subsequently, the distance was measured and it was found that 26, Siri Fort Road is located at a distance of 79 m (approximate) and falls in the prohibited area of Siri Fort Wall.

The application was therefore rejected by Delhi Circle and applicant was informed accordingly vide letter dated 15.9.2005. The applicant, on 4.2.2008, approached the Director General, ASI, to issue NOC for addition / construction of IInd and IIIrd floors on the existing house. The applicant has also filed a Writ Petition (C) No. 3862/07 in the Hon'ble High Court of Delhi titled Mrs. Savitri Devi Sikand v/s Union of India in the same matter.

The SA, Delhi Circle, while making presentation before the members of the Expert Advisory Committee, informed that the height of the existing building is 8.48 m and the maximum height of the proposed construction is 14.25 m as per the drawings submitted by the applicant.

Considering the ground situation, and the fact that the height of the buildings surrounding the property under reference ranges from 15m to 18m (approx), the Expert Advisory Committee members felt that Archaeological Survey of India may accord permission for addition/alteration of IIrd and IIIrd floors in the existing building upto a maximum height of 14.25m including mumty, water tank and machine room since the monument is located across the road and no further obstruction of view would be caused (F.No.24/8/2008-M).

10. Permission for the reconstruction of existing residential building at property No. A-4 and A-5, Mayfair Garden, New Delhi in respect of Smt. Sheela Gehlot

The property Nos. A-4 & A-5, Mayfair Garden are located in the prohibited area of **MAKHDUMI MASJID**, a centrally protected monument at a distance of 60m. Accordingly, the applicant was informed vide letter dated 12.9.2005 that the permission for construction/reconstruction /addition/alteration cannot be granted as per the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules, 1959 and subsequent notification issued in 1992. However, permission for simple repairs was given.

The applicant has now appealed to DG, ASI for issue of NOC for reconstruction after demolition of the existing structures at property nos. A-4&A-5, mentioning that the buildings are old, dilapidated and unsafe for living. The applicant wants permission for reconstruction upto the maximum height of 15m from ground level upto mumty /machine room along with 1.60 m deep basement below the ground level for both the properties separately.

Superintending Archaeologist, Delhi Circle explained the ground conditions by way of photographs, drawings etc. The Expert Advisory Committee members desired that a detailed documentation (height, floor area and basement) of all the existing buildings surrounding the monument on all the sides may be carried out by Delhi Circle to process both the proposals (A-4 and A-5 Mayfair Garden). Decision in regard to the proposal was deferred (F.No.24/14/2008-M).

11. Representation by Shri Vinod Singhal, Authorised representative of Owners of F-1/8 and F-1/11, Hauz Khas Enclave, New Delhi.

The matter relates to a Court Case {W.P. (C) 1168 of 2001} titled Kamal Kashyap and Others v/s MCD and Others pending in the Hon'ble High Court of Delhi in

regard to two properties in Hauz Khas Enclave bearing nos. F-1/8 and F-1/11, both falling in the prohibited area of **CHOR MINAR**, a centrally protected monument. The petitioners had constructed buildings that comprised ground, first, second and third floors after obtaining sanction from the MCD but without obtaining any permission from ASI. The ASI issued a notice on 2.7.1999 seeking demolition of the buildings for violation of Rule 33 of AMASR Rules 1959. The petitioners thereafter filed Writ Petition before the High Court and obtained stay order against demolition. The Court gave directions to the petitioners to make representations to ASI and for ASI to pass a reasoned order thereupon. The representations were considered but rejected on 9.12.1999.

The applicants appealed to Secretary (Culture) against the orders of DG, ASI. Vide order dated 02.02.2001 Secretary (Culture) restricted the height of the upto 24' and 32'6" for property nos. F-1/8 and F-1/11, respectively.

The petitioners moved an application before the Hon'ble High Court, Delhi (which was heard on 15.2.2008) wherein they furnished details of permissions granted to ASI in excess of the pre-existing height in the case of R-15, Hauz Khas Enclave. The Hon'ble High Court directed the Expert Advisory Committee to look into the representations of the petitioners and take a decision within 6 weeks. The representations have been made on 27.2.2008. The petitioners have prayed that they be granted NOC upto the height permissible under the law and upto the heights existing at present i.e. 38 feet approx.

A presentation was made by S.A., Delhi Circle explaining the layout of the area with reference to Chor Minar, a centrally protected monument, its surroundings, height of the buildings in the vicinity of the monument, the buildings under reference (F-1/8 and F-1/11, Hauz Khas Enclave).

The members of the Expert Advisory Committee noted that there is no building between the sites of construction under reference (i.e. F-1/8 and F-1/11) and the centrally protected monument. In the row of houses i.e. F-1/8 to F-1/11 there is no building of the height of the buildings under reference. Even all around the monument, in the immediate vicinity, there is no building of the height of the buildings under reference (F-1/8 and F-1/11) which are 15.21m (49.88feet) and 14.89m (48.83feet) upto machine room/mumty, respectively. The members were of the view that if permission upto the existing heights of the buildings (F-1/8 and F-1/11), as

desired by the applicants, is granted, it would set a precedent which may result in disturbing the entire skyline around the monument.

The members were of the firm view that while granting permission for construction in the prohibited area of centrally protected monuments, great care should be taken to see that view of the monument and its over all ambience and skyline are not disturbed. Accordingly, the members of the Expert Advisory Committee felt that permissions already granted by ASI for reconstruction of buildings under reference (upto 24feet at F-1/8 and 32feet 6 inches at F-1/11) **may not be relaxed to the present height of the buildings**, as requested by the applicants. The Expert Advisory Committee desired the ASI to stick to its earlier decision, which is reasonable keeping in view the interest of the monument. They advised that the representations made may accordingly be disposed off (F.No.24/25/2008-M).

12. Permission for reconstruction of residential building at property No. A-31, Nizamuddin (East), New Delhi in respect of Shri Tejinder Singh and others.

The applicant, Shri Tejinder Singh and others had applied for reconstruction of the residential building at Property No.A-31, Nizamuddin East, New Delhi on 7.2.2008 to SA, Delhi Circle, but the request was rejected vide letter dated 12.3.2008 since the property is located at a distance of 88m from the protected limit of **ARAB-KI-SARAI**, a centrally protected monument and as such falls in the prohibited area.

The applicant has appealed to DG, ASI for according permission for reconstruction of the residential building including first and second floors along with mumty with maximum height of 13.41m from the ground level upto machine room along with 1.6m deep basement as per the drawings submitted by the applicant.

The owners have submitted that there are three rows of houses between their property and the monument. The houses are built upto the height of 15m approx. and hence the view of the monument will not be obstructed. They have also mentioned that their present building is very old and in bad shape.

Superintending Archaeologist, Delhi Circle made a presentation with the help of photographs, drawings and map of the area explaining the ground situation. He also informed that the monument is surrounded by a park,

roads on three sides and residential buildings on the fourth side. The property under reference is surrounded by buildings varying in height from 10 to 15m.

The Expert Advisory Committee members felt that the ASI may accord permission for reconstruction upto the maximum height of 13.41m including machine room/mumty, at par with the height of the existing building subject to the condition that the applicant shall restrict the covered area of each floor of the existing building and shall not undertake any vertical or horizontal expansion. ASI should make special mention of covered area of each floor while granting permission as per the existing building and approved building plan, whichever is less (F.No.24/30/2008-M).

13. Permission for reconstruction of building at property No. BP No.8, Nizamuddin (East) New Delhi in respect of Shri C.S. Sethi.

The applicant, Shri C.S. Sethi and others had applied for reconstruction of residential building at property No. BP No.8, Nizamuddin East, New Delhi on 4.8.2005 to SA, Delhi Circle. The request was rejected by SA, Delhi Circle since the property is located in the prohibited area of **KHAN-I-KHANA'S TOMB**, a centrally protected monument at a distance of 72m from the front and 83 m from **ARAB KI SARAI** from rear side. The applicant later on applied for permission for undertaking repairs at the existing building which was granted on 8.6.2007.

The applicant has now appealed to DG, ASI for grant of permission for reconstruction including 1st and IInd floors along with mumty /machine room upto the maximum height of 14.96m along with 1.82m deep basement as per drawings submitted by the applicant.

The owners have submitted that while undertaking repair work of the said building it was observed that the building is beyond repair and requires reconstruction. They have also mentioned that neighbouring buildings are constructed upto 15m height and between the monument and their property, there exist a road and a large open green area. Since the property is located across the road, no obstruction in viewing the monument would be caused if permission for reconstruction is accorded.

Superintending Archaeologist, Delhi Circle explained the ground conditions and informed the members that the monument is surrounded by a park and roads on three sides and residential buildings with a height of 12.5 m (approx) on eastern side. There is no construction between the property under reference and

the monument. The height of the building adjoining the property under reference varies from 10 to 15m in height.

The Expert Advisory Committee members were of the view that ASI may accord permission for reconstruction upto the existing height of 11.67m including mummy, water tank and machine room subject to the condition that the applicant shall restrict the existing floor-wise covered area and shall not go for any horizontal expansion during reconstruction. ASI should undertake complete documentation of the existing building and make special mention of covered area of each floor beyond which the applicant shall not undertake reconstruction. The applicants shall not be permitted to construct a basement (F.No.24/31/2008-M).

14. NOC for repair/reconstruction/restoration in property Amar Mahal at Kotla Chowk, New Delhi in respect of Shri Krishan Jalan, 201, Golf Links, New Delhi.

Amar Mahal at Kotla Chowk is located in the prohibited area of **BHURE KHAN'S TOMB** at a distance of 64 m. The applicant had applied in the year 2006 for renovation/restoration of the existing structure, which was constructed in the year 1957. This was rejected since the property falls in the prohibited area. The building was completely demolished on 3rd January, 2006. The property was zoned as commercial cinema plot in the Master Plan of Delhi - 1961.

The applicant has now appealed to the Director General, Archaeological Survey of India on 14.3.2008 for repair/resurrection/restoration at the property, Amar Mahal, Kotla Chowk. Since the old structure has been demolished and the plot is lying vacant, the applicant wants permission for construction on the above plot upto the maximum height of 8.54m (ground floor and first floor) from ground level upto the top for commercial purpose as the said property is earmarked as commercial/cinema hall as per the Master Plan of Delhi -1961. The owners have submitted that the above property is surrounded by residential -cum commercial buildings with height varying from 10m to 15m and between the site of proposed construction and Bhure Khan's Tomb, the nearest centrally protected monument, a number of buildings are in existence and as such the view of the monument will not be affected even if permission for construction is granted to him.

SA, Delhi Circle informed the members that the monument is surrounded by residential-cum-commercial buildings with height varying from 10.25 m to 15 m (approx.) and open land on the north-western side. He

also informed the Expert Advisory Committee members that there was a Writ Petition filed in the Hon'ble High Court against unauthorized construction at the site which was started without obtaining permission from the Archaeological Survey of India. The Expert Advisory Committee members desired that the full facts of the case pending before the Hon'ble High Court may be brought to the notice of the Committee. The decision in the matter was deferred (F.No.24/32/2008-M).

Agra Circle

15. **Permission for construction of boundary wall in Khasra No.72, Surhara, Agra in respect of Shri Om Prakash.**

The proposal relates to construction of boundary wall upto a height of 1.2m at a site adjacent to the protected limit of **BURHIA-KA-TAL**, a centrally protected monument at Zero meter distance from the protected limit of the monument. SA, Agra Circle has denied permission to the applicant as it falls in the prohibited area. The applicant has now appealed to DG, ASI for grant of permission for the construction of boundary wall to save his property from encroachments.

The Expert Committee members felt that the applicant's request is valid and that the ASI may permit construction of the boundary wall upto a height of 1.2m subject to the condition that the building material to be used in construction should be compatible with the monument (F.No.24/13/2008-M).

16. **Permission for repair / construction of Property No.18/129, Mulko Gali, Taj Ganj, Agra in respect of Shri Islamuddin, Agra.**

Shri Isalmuddin has appealed to DG, ASI for grant of permission for repair / construction at his property since his request has been rejected by SA, Agra Circle. The proposed site for construction / repair falls within the prohibited area of

BARAHKHAMBHA, a centrally protected monument at Tajganj, Agra at a distance of 75m. It has been informed that SA has submitted an affidavit before the Hon'ble Supreme Court on 19.3.2007 in response to the Monitoring Committee report while suggesting an alternative facilities centre outside Taj Mahal. In the affidavit it has been stated that the proposed site of facilitation centre on the eastern side is within 100-150m from Taj Mahal limits and hence will not fit in the criteria of 500m of the protected limit. In another affidavit filed by

India Tourism Development Co-operation, New Delhi on 12.12.2007, it has been stated that the “Hon’ble Supreme Court has been pleased to restrict civil construction work within the area of 500m from Taj Mahal”.

SA, Agra Circle has, however, informed that there is no order passed by the Hon’ble Supreme Court on 15.4.1996 that “further construction within 200m of Taj Mahal shall be stayed” as per the records available with Agra Circle. A, Agra Circle has requested Shri A.D.N. Rao, Advocate, Supreme Court of India, New Delhi to examine the issue and to provide legal opinion in order to restrict civil construction within 500m of Taj Mahal. The Counsel has also been requested to provide copies of the orders of the Supreme Court, if any, restricting construction in 500m area of Taj Mahal.

The Committee members desired that the orders issued on construction activities by the Hon’ble Supreme Court should be carefully studied by the ASI in consultation with legal experts before processing such proposals. The decision in the matter was deferred by the Committee (F.No.24/1/2008-M).

This issues with the approval of the Director General, Archaeological Survey of India.

Copy for information and necessary action to:

1. Shri J.P.Joshi, Member. 134, Venus Apartment, Inder Enclave, New Delhi-110087.
2. Prof. Narayani Gupta, Member. E-75, Masjid Moth, Greater Kailash Part-III, New Delhi-110048.
3. Prof. Mohammad Shaheer, Member. DUAC, 167/8, Sarai Julena Okhala Road, New Delhi-110025.
4. S.A., Delhi Circle, ASI, Red Fort, Delhi.
5. S.A., Agra Circle, ASI, Agra.
6. P.S. to DG, ASI, New Delhi.
7. P.S. to A.D.G., ASI, New Delhi.