

Minutes of the 23rd 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 18th and 19th August, 2009 at 10.30 p.m. in the Conference Room, Office of the Director General, Archaeological Survey of India, Janpath, New Delhi.

In the meeting following members of the Committee and officers from ASI were present on 18.8.2009.

1. Prof. Subir Saha - Member, EAC
2. Shri A.R. Ramanathan - Member, EAC
3. Dr. R.S. Bisht - Member, EAC

Officers from ASI, Delhi Jal Board

1. Shri Pravin Srivastava, Addl. D.G., ASI, New Delhi.
2. Shri A.K. Sinha, Director (Monuments)
3. Shri I.D. Dwivedi, SA, Lucknow Circle
4. Shri S.N. Kesarwani, SA, Chandigarh Circle
5. Shri A.K. Patel, SA, Bhubaneswar Circle
6. Smt. Sathyabhama Badreenath Rao, SA, Chennai Circle
5. Shri D.N. Dimri, SA, Agra Circle, Agra
6. Shri K.C. Nauriyal, SA, Vadodara Circle
7. Shri Hanumanthappa Telagu, SA, Guwahati Circle
8. Shri M. Nambirajan, SA, Thrissur Circle
9. Shri S.S. Nayak, Dy.SA
10. Shri T.M. Keshava, Dy.SA
11. Dr. S.S. Gupta, Dy.SA
6. Shri V.K.Swarnkar, Dy. SA, Delhi Circle
7. Shri A. Pradhan, Agra Circle, Agra
8. Shri Rajiv Garg, Civil Engineer, Delhi Jal Board, Delhi.
9. Shri R.S. Rana, AO
10. Shri Gopal Singh, LDC

On 19.8.2009 following members of the Committee and officers from ASI, DDA, MCD and Delhi Jal Board were present.

1. Prof. M. Shaheer, - Member, EAC
2. Prof. Subir Saha - Member, EAC
2. Shri A.R. Ramanathan - Member, EAC
3. Dr. R.S. Bisht - Member, EAC

Officers from ASI, DDA, Delhi Jal Board

1. Shri Pravin Srivastava, Addl. D.G., ASI, New Delhi.
2. Dr. B.R. Mani, Jt.DG, ASI, New Delhi.
3. Shri A.K. Sinha, Director (Monuments), ASI, New Delhi.
4. Shri C.L.N. Sastry, SA, Raipur Circle, Raipur
5. Shri A.K. Patel, SA, Bhubaneswar Circle, Bhubaneswar
6. Shri S.S. Gupta, Dy.SA, Delhi Circle
7. Shri Vasant Kumar Swarnkar, Dy.SA, Delhi Circle

8. Shri Dr. V.S. Badiger, Dy.SA, Aurangabad Circle, Aurangabad
9. Dr. D.N. Sinha, ASA, Patna Circle, Patna
10. Shri Gunjan Kumar Srivastava, Asstt. Archaeologist, ASI Hqrs. Office
11. Shri R.S. Rana, AO, ASI Hqrs. Office
12. Ms. S. Bhandari, Director (Landscape), DDA
13. Shri Lachhman Singh, SE (CWG) CC2, DDA
14. Ms. Poonam Dewan, Dy.Director (Landscape), DDA
15. Shri I.J. Noata, EE/SED-5, DDA
16. Shri V.K. Tyagi, AE/SED-5, DDA
17. Shri S.K. Jain, JE/SED-5, DDA
18. Shri Ashok Ghodshwar, Sr. Architect, DDA
19. Shri M.K. Bhattacharya, SMEC (India) Pvt. Ltd., Gurgaon
20. Shri Dharminder Sethi, SEMC (India) Pvt. Ltd.
21. Shri Jiten Puri, EE/CGD-7, DDA
22. Shri K.S. Jangu, AEIII/CGO-7, DDA
23. Shri Divya Prakash, Architect, MCD
24. Shri Avadhesh Kumar Singh, on behalf of MCD
25. Shri Sikandar Hayat, AE, MCD

In the meeting following cases were examined -

AGRA CIRCLE

1. Permission for construction of boundary wall by Shri Hari Shanker Gautam, Asstt. Engineer, Agra Development Authority, Agra. (F.No.24/101/2009-M)

Agra Development Authority has proposed for the construction of boundary wall around Shahkuli Kabristan at Fatehpur Sikri. On examination of the proposal by SA, it was found that the site of construction falls in the prohibited area of Hakim-House at Fatehpur Sikri. SA has informed that the construction of the boundary wall is in the interest of the monument and would help contain expansion of the graveyard.

It has been recommended that the construction of boundary wall may be permitted upto the height of 1.4 m to 1.7 m.

Dy.SA, (Shri Tiwari), Agra Circle gave a power point presentation on the proposal with the help of area map showing the ground condition with the help of Google Earth images, photographs and drawings.

Decision

The Committee after having explained the ground conditions and reasons for the construction of boundary wall around the graveyard recommended that ASI may grant permission for the construction of boundary wall upto the height of 1.4 m to 1.7 m depending upon the contour which will contain expansion of the graveyard. The Committee, however, was of the opinion that a condition may be imposed that while construction of the boundary wall, the Agra Development Authority should ensure that material compatible to the ancient structures should only be used. Even the masonry should be matching to the ancient structures so that the new construction may gel with over all ambience.

2. Permission for construction at Property No.6/1, 6/1A, Galibpura Rakabganj Ward submitted by Shri Jiauddin S/o Shri Alluddin, 1/37, Vibhab Nagar, Agra. (F.No.24/111/2009-M)

The proposal is for construction of a residential building in the prohibited area of a protected monument i.e. City Wall. The applicant has informed that there are a large number of buildings constructed close to the monument.

Dy.SA, (Shri Tiwari), Agra Circle gave a power point presentation on the proposal with the help of area map showing the ground condition, Google Earth images, photographs and drawings.

Decision

The Committee observed from the photographs shown by the Dy.SA that prayers appear to be offered at the monument. Moreover, the Committee also pointed out that regular white washing is being done at the monument. Even the inscription has been painted with green paint. It was recommended that the Directorate General may seek a detailed report from the Circle in regard to the status of prayers and also as to why the monument is being allowed to be whitewashed and painted. DG expressed his annoyance on the condition and desired that SA himself should inspect the monument and submit a detailed report. He should also take immediate action to ensure that the monument is not unauthorisedly used for offering of prayers and the structure is allowed to be tempered with.

The decision on the proposal was deferred.

AURANGABAD CIRCLE

3. Permission for construction from Inspira Leisure and Hospitality Ltd., Golf Club at Jarwada-Harsula road in Gut/Survey No.235, 236 and 237 within prohibited/regulated area of Thatte Nahar (Terracota Pipeline). (F.No.24/13/2009-M)

SA, Aurangabad Circle has submitted that the proposal was received from MIS Inspira Leisure & Hospitality Ltd., 98, Government Industrial Area, Charlop, Kandivli (West), Mumbai-400067. Dr. V,S.Badiger, Dy. S.A has inspected the site. As per the records, the construction of Golf Club at Jatwada-Harsula road in Gut/Survey No.235, 236 & 237 has been proposed within prohibited/regulated area of Thatte Nahar (Terracotta Pipeline). The Thatte Nahar is being maintained by the ASI as a monument and its protection proposal has already been approved by the Central Government. The Notification under Section 4(1) is, however, yet to be issued. In regard to the proposal SA, Aurangabad Circle has furnished following details -

- i) Some area of the proposed Golf Course has been requested for alienation for fencing the Aurangabad Group of Caves for their protection. This area extending upto 20 mtrs. from the foot of the hill should not be included in the Golf Course. Only the remaining area may be permitted as proposed.
- ii) During the execution of work, utmost care must be taken to protect the existing medieval water supply system of Thatte Nahar as it passes through the proposed site. The area upto a distance of 10 m on either side along Thatte Nahar should not be disturbed.
- iii) The surface area of Thatte Nahar should be properly cushioned with soft soil cover of at least one metre forming a ridge all along the length. The ridge should be covered with grass and no vehicular traffic shall be allowed to pass over the ridge.
- iv) The applicant may not be permitted to use water from Thatte Nahar for watering the green pastures as it would reduce water supply to the monument i.e. Bibi-Ka-Maqbara and the archaeological garden.

- v) No construction of hotel, club and terraced house should be allowed within the prohibited area of the monument.

He further informed that Thatte Nahar is a unique monument of its only kind in the country and testimony to medieval water supply.

Decision

The Committee was informed on the status of protection of the monument mentioning that the proposal for protection has already been approved by the Prime Minister's Office. The preliminary notification for protection has been referred to the Ministry of Law for vetting. The Committee taking note of the status of protection observed that the ASI may reject the proposal since part of the Golf Course is likely to fall in the protected, prohibited and regulated area of Thatte Nahar.

BANGALORE CIRCLE

4. Renovation of Govt. Higher Boys School, Fort, Devanahalli Town, Bangalore Rural District Submitted by Dy. Director, Govt. of Karnataka, Rural District, K.G. Road, Bangalore on behalf of Zilla Panchayat (State Government) (F.No.24/67/2009-M)

Applicant Zilla Panchayat (State Government) has submitted that the Government School built in 1906 was in a very bad condition due to aging and needed urgent repairs and alterations to protect and save the children. As such the building was demolished in 2007. The applicant has requested for grant of permission for construction of School building looking into the interest of children's education. At present, the School is being run temporarily from the corridor of Panchayat Office.

SA, Bangalore Circle has informed that the proposal relates to reconstruction of the old Government School building, built in 1906 outside the Fort at Devanahalli, Karnataka. He has furnished the details as under -

- The proposed building is double-storied. It falls close to the protected area of the monument.
- From the edge of the fort wall it is within 100 m.
- The structure proposed to be reconstructed shall have RCC pillars and slabs.
- Proposed construction is about 8 m to 9 m high.
- A public institution such as primary school building is essential for the local inhabitants.

Decision

The Committee taking note of observations of SA, Bangalore Circle recommended that the ASI may permit construction of the School building in 'L'- shaped fashion upto the maximum height of 7m comprising ground and first floors. It was also recommended that a condition should be imposed on the School authorities to have dense plantation along the boundary of the School to camouflage the modern construction. It was also proposed that ASI should develop greenery beyond the School boundary towards the monument. The Committee desired that based upon the above recommendations, SA, Bangalore Circle may ask the School authorities to submit fresh building plans before issue of permission for construction.

CHANDIGARH CIRCLE

5. Development of Omaxe Novelty Multiplex cum Shopping Mall on Mall Road, Amritsar. (F.No.24/168/2008-M)

M/S Omaxe has appealed to the DG, ASI for grant of permission to complete the construction of the commercial complex and to raise the height of the building upto 29.75 m as per the building plans approved by the Municipal Corporation of Amritsar. The applicants have stated that the site of construction falls in the regulated area of Maharaja Ranjit Singh Summer Palace, Company Bagh Complex at a distance of 127 m. It has been stated that Chandigarh Circle of the ASI had granted permission for construction of the complex on 28.7.2007 upto the height of 15 m with 2 basements. It has been further submitted that while the construction work was in progress i.e. prior to issue of NOC by the ASI, the officials of Chandigarh Circle approached their Site Office and directed that NOC is required for undertaking construction since the property falls in the regulated area. The directions were immediately complied with. But, Chandigarh Circle gave the permission for construction only upto the height of 15 m, despite the fact that there are many multi-storeyed buildings surrounding the applicant's property well within 100 m of the boundary wall of the monument. The applicants have submitted photographs explaining the ground condition impressing upon that the construction of the complex upto the height of 29.57 m shall not disturb the present sky-line any more.

SA, Chandigarh Circle has informed that the applicant has violated the licence granted to him and has increased the height of the building to 18 m from the ground level with three-storeyed basement whereas permission was granted for construction upto 15 m and two basements only. He has further informed that the construction at site had started without obtaining prior permission from the ASI. The applicants approached ASI for grant of licence after a show-cause notice was served upon to them on 14.3.2007. On observing that the applicants are raising the height of the building beyond the permitted height they were asked to stop the work on 29.1.2008 but the work continued and no heed was given on the direction. SA even had asked the applicants to appear in his office on or before 30.6.2008 to explain as to why they have violated the conditions, failing which the licence issued shall be cancelled. But again none from the applicant's side responded which ultimately led to withdrawal of the licence on 3.7.2008 under intimation to all concerned followed by a request to DG, ASI to issue demolition order.

SA, Chandigarh Circle made a power-point presentation before the Committee on 22.1.2009 and also explained the background of the case with the help of few photographs. The Committee had observed that with the kind of documentation done by SA, Chandigarh Circle, it is not possible to take a decision on merits of the case. It therefore, recommended that the SA, Chandigarh Circle may be asked to undertake better documentation of the monument, open spaces, existing buildings, etc. Besides, an area map showing the buildings already existing with their respective height should be prepared to explain the ground condition. The decision on the proposal had accordingly been deferred.

The matter was again put up before the Committee wherein Director General mentioned that on 10th June, 2009 he is visiting Amritsar and would like to inspect the area around the monument to equip himself with the ground conditions.

Decision

The proposal was discussed by the Committee. SA apprised the members with the background. The Committee taking note of the sequence of events and the overall background recommended that the proposal may be rejected by the ASI. The applicant may be directed to restrict the construction upto the maximum height of 15 m, as already granted by the SA, Chandigarh Circle.

6. Request of Shri Surender Aggarwal for construction at Property no.5362, Sirki Bazaar, Near Bathinda Fort, Bathinda, (Pubjab). (F.No.24/22/2009-M)

The proposal is for regularizing a building unauthorisedly constructed in the prohibited area of Bhatinda Fort at a distance of 11.05 m. The nature of construction is purely commercial. The Chandigarh Circle had lodged FIR against the applicant. Later, a case was also filed in the Court wherein the applicant was fined and he had to deposit Rs.50,000/-.

SA, Chandigarh Circle gave a power point presentation on the proposal with the help of area map showing the ground condition, Google Earth images, photographs and drawings.

Decision

The Committee recommended that ASI may not regularize the construction already carried out unauthorisedly and instead issue demolition order.

7. Request of Shri D.P.S. Kharbanda, Commissioner, Municipal Corporation, Amritsar for installation of Food Street in the Panorama Complex, Amritsar. (F.No.24/32/2009-M)

The proposal is for installation of Food Street in the Panorama Complex at Chandigarh. It is proposed to construct temporary stalls in the prohibited area of Summer Palace, Maharaja Ranjit Singh Company Bagh.

SA, Chandigarh Circle apprised the Committee that the Municipal Corporation has so far not submitted any detail in regard to Food Street and hence it is not possible to give a presentation.

Decision

The Committee recommended that the proposal be dropped for the present.

8. Permission for construction at Property No.B-111-234, Khewat No.195, Khatauni No.214 and Khasra No.185/1/7 submitted by Shri Ashok Kumar Kandola, Naya Bazar, Nurmahal, Tehsil Phillaur, Distt. Jalandhar, Punjab. (F.No.24/70/2009-M)

The applicant has proposed for construction of a verandah on the first floor of the existing building. The existing building is located in the prohibited area of Noor Mahal Sarai, Noor Mahal, District Jalandhar. The distance between the monument and the site is 21 m. As per the report submitted by SA, Chandigarh Circle there are buildings ranging in height from 3 to 8 m around the monument. There are several buildings, lanes and bye-lanes around the site of construction. A 10 m wide road also exists between the site of construction and the monument. The existing house is double storied having a height of about 9 m. SA has informed that the height of the building shall not be increased affecting the view of the monument. It was also mentioned that a number of buildings already exist between the monument and the site.

SA, Chandigarh Circle gave a power point presentation on the proposal with the help of area map showing the ground condition, Google Earth images, photographs and drawings.

Decision

The Committee taking note of the ground conditions recommended that the ASI may grant permission for construction of the verandah on the first floor of the building without any increase in the existing height of building as per the proposal submitted by the applicant.

9. Permission for change of roof and repair of walls of the building at Property No.B-111/155, Mohalla Surayana Nurmahal, Jalandhar, Punjab submitted by Shri Balwinder Singh S/o Shri Sham Singh.(F.No.24/68/2009-M)

As per the report of the SA, Chandigarh Circle, the proposal is for changing the roof and repairs to the wall. The site where the activity has been proposed falls in the prohibited area of Noor Mahal Sarai, a protected monument at a distance of 78 m. There are buildings around the monument and also a 10 m wide road in between the monument and the buildings. Several buildings having height of 5 to 10 m exist around the site of repairs / renovation. Lanes and by-lanes also exist in between. The existing house is single-storied having a height of about 5 m. It has further been informed that the owner has raised a mummy over the terrace without obtaining NOC from the ASI. However, it has been stated that the monument is not at all visible from a distance because of many buildings existing in between.

SA, Chandigarh Circle gave a power point presentation on the proposal with the help of area map showing the ground condition, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may allow the applicant to change the roof and undertake repairs of the walls of the building with the condition that the plinth area and height of the building shall remain unaltered.

CHENNAI CIRCLE

10. Permission to build a Reach out System to reach Rock Fort Temple at Tiruchy. (F.No.24/128/2008-M)

M/S Raj & Co., Mumbai, on behalf of Religious Endowment and Information Department, Govt. of Tamil Nadu has approached the Director General, ASI for construction of a Reach Out System to reach Rock Fort Temple at Tiruchy. It has further been informed that ASI, Chennai Circle has refused to grant permission for the construction since the same falls in the prohibited area of Upper Rock Cut Cave, Tiruchirapalli.

SA, Chennai Circle gave a power point presentation on the proposal with the help of photographs, drawings and Google Earth images explaining the ground conditions and the proposal.

Decision

The Committee observed that erection of vertical and horizontal steel structure close to the hillock shall damage the skyline and would be an eyesore. It was recommended that ASI may not agree to the proposal and reject the same since it would affect the skyline adversely.

11. Permission for Infrastructure Development works around the monument – Proposal of local Panchayat submitted by Secretary, Tourism and Culture (T3) Department Secretariat, Chennai-9 Rock-cut Pallava Cave at Mandagapattu village. (F.No.24/135/2009-M)

The proposal pertains to providing certain development works like street light, drinking water, approach road, construction of retaining wall for prevention of erosion, etc. in the protected area of rock-cut-cave at Mandagapattu village.

The Committee was given a power point presentation on the proposal by SA, Chennai Circle explaining the ground conditions and the proposal of the Panchayat.

Decision

The Committee recommended that ASI may grant the approval in principle to the Village Panchayat for undertaking the development works as proposed subject to the condition that the plan submitted is fine-tuned keeping in view the interest of the monument and also the ambience by Chennai Circle. It was also recommended that the work should be carried out under the close supervision of ASI.

DHARWAD CIRCLE

12. Permission for re-construction of a house at Archaka in Sy.No.18/1, near Tirumal Temple, Mood Bhatkal submitted by Shri Manjunath Gopal Bhat. (F.No.24/107/2009-M)

The applicant has proposed for construction of a laterite stone building in the prohibited area of Shantappa Naik Tirumala Narayana Temple at Bhatkal at a distance of 28.50 m. The construction to be undertaken is about 3.5 m high with only ground floor for the purpose of residence only. SA has furnished following details –

North	-	Open area and part of the monument
South	-	Open area and ancient temple
East	-	Open area
West	-	Open area and main road

The SA has not recommended the construction proposal.

Shri S.S. Nayak, Dy.SA, Dharwad Circle gave a power point presentation on the proposal explaining the ground conditions with the help of area map, Google Earth images, photographs and drawings.

Decision

The Committee took note of the ambience of the monument and observed that any construction in close vicinity shall disturb the skyline and also cause adverse effect on the ambience. It was recommended that ASI may not agree to the proposal.

13. Permission for construction of Samudaya Bhawan (Open Congregation Hall) and Gopurams for existing temple within the prohibited area submitted by Swami Raghaveshananda, Secretary, Ramakrishna Mission Ashrama, Belgaum, 7, Fort, Belgaum-16. (F.No.24/115/2009-M)

The proposal is for construction of Samudaya Bhawan and Gopurams in the prohibited area of Kamal Basadi and Old Jain Temple at Fort, Belgaum at a distance of 43.70 m. The SA has informed that the applicant has demolished the old structure and has started the construction of Samudaya Bhawan and Gopurams. The proposed height of the building is 15.10 m having ground +3 floors. SA, Dharwad Circle has issued an order for stopping the unauthorized construction. It has further been informed that the construction is likely to affect the monument adversely and would also obstruct the view.

Shri S.S. Nayak, Dy.SA, Dharwad Circle gave a power point presentation on the proposal explaining the ground conditions with the help of area map, Google Earth images, photographs and drawings.

Decision

The Committee observed that a four storeyed imposing building in the prohibited area of the protected monument has partly been constructed and a few other structures are already existing in close proximity of the monument. It was recommended that the proposal may be examined in much greater detail by some senior officer of ASI taking an overall view of the ground condition for a reasonable decision by DG, ASI.

14. Permission for construction of School Building near Parsvanath Temple, Bhatkal in favour of the General Secretary, Anjuman Hmi-e-Muslimeen, Main Road, Bhatkal-581320, Karnataka. (F.No.24/57/2009-M)

The applicant has proposed for construction of a building having ground and first floors with a height of 4.7 m for School purposes. The distance between the site of construction and Shantappa Naik Tirumala Narayana Temple, a protected monument is 28.50 m, falling in the prohibited area.

The ground conditions as informed by SA are as under –

Around the monument

North - Open space
South - Area proposed for construction
East - Main Road
West - Traditional tiled roof building

Around the site of construction

North - Parswanath Basadi
South - RCC building (5 m height)
East - Road
West - Tiled roof building (6 m height)

SA has not recommended the proposal since the construction is proposed almost adjacent to the monument which may obstruct the view of the monument.

Shri S.S. Nayak, Dy.SA, Dharwad Circle gave a power point presentation on the proposal explaining the ground conditions with the help of area map, Google Earth images, photographs and drawings. The height of the proposed construction is 4.70 m as per the application.

Decision

The Committee observed that the proposed construction is likely to adversely affect the ambience and view of the monument and as such may not be permitted by the ASI.

GUWAHATI CIRCLE

15. Licence for drilling of exploratory location “RSAK” falling by the side of Gaurisagar Tank. (F.No.24/39/2009-M)

The proposal pertains to drilling operation in the regulated area of Gaurisagar Tank. The site was jointly inspected by ASI officials with ONGC authorities. SA has informed that some local outfits and student organizations are opposing the drilling operation for the reason that they apprehend that it may dry up the Gaurisagar Tank. The drilling site is 136 m from the southern embankment of Gaurisagar Tank and the drilling point is 198 m away. The boundary of the drilling site is 736 m from the Vishnudole Temple.

SA, Guwahati Circle gave a power point presentation on the proposal of ONGC with the help of photographs, drawings, area map and Google Earth images.

Decision

The Committee recommended that ASI may grant permission to ONGC for drilling for crude oil / natural gas subject to the condition that no structure is raised in the vicinity. It was also recommended that while granting permission a condition may be imposed that no activity shall be undertaken by the ONGC which may cause any environmental hazard. It was also recommended that every care must be taken to ensure maintenance of water level of Gaurisagar Tank and safety of other protected monuments located in close vicinity.

JAIPUR CIRCLE

16. Permission of NOC near Chittorgarh Durg for construction of water tank by Public Health Engineering Department, Chittorgarh (Rajasthan). (F.No.24/165/2008-M)

The proposal relates to construction of an overhead water tank within Chittorgarh Fort submitted by PHED of Govt. of Rajasthan. The nearest monuments are Chudawat Haveli and Padmini Palace which are located on north and east. The nearest structure, Chudawat Haveli, is located at a distance of 59 m. The Padmini Palace is 63.5 m away from the proposed construction site. The height of the proposed tank is 5.7 m with a diameter of 9 m. SA has stated that the construction close to Padmini Palace is likely to cause adverse effect on the nearest monument. He has suggested that some other suitable location for the construction of the water tank may be identified. He has although informed that the water tank is a real necessity for the inhabitants of the Fort since the existing arrangement is not sufficient for the increased requirements of the people and has, therefore, recommended the proposal with change in the site.

SA has submitted following more details on the proposal –

Water Tank, : 5 m high
Staff Quarters : 3.20 m high
Tower : 15 m high

The construction has been proposed at a site owned by PHED.

Decision

Considering the essential public requirement, the Committee recommended that the ASI may grant permission for the construction of water tank, in principle, subject to the condition that the site for construction of water tank should be inspected jointly by SA, Jaipur Circle and PHED officials to take a decision on the location of new water tank and to ensure that the proposed water tank is constructed as far away as possible from the protected monuments. It was also recommended that PHED should be directed to reduce the height of the water tank to a maximum extent possible keeping in view the interest of the monuments.

17. Permission for construction at Rameshwari Devi State Girls School, Bharatpur, Rajasthan submitted by Principal. (24/64/2009-M)

The proposal is for construction of hostel for the Government Girls Degree College at a distance of 66 m from the protected monument. The double-storied building to be raised shall be of 15 feet height (excluding mummy and parapet wall). The construction site is close to the College building and as such is not likely to cause any obstruction in viewing the monument.

Decision

The Committee after going through the details furnished by Jaipur Circle and the power point presentation given by Dy.SA of the Circle observed that the construction of hostel for women is an essential requirement. Moreover, the proposed construction is not likely to cause any adverse effect on the ambience of the monument since many modern constructions already exist within the Fort. The Committee, therefore, recommended that the ASI may grant permission for construction of hostel as per the proposal submitted.

Lucknow Circle

18. Jaimini Continental Hotel, 10, Rani Laxmi Bai Road, China Gate, Lucknow. (F.No.24/160/2008-M)

SA, Lucknow Circle has submitted the proposal of Gemini Continental Hotel, 10, Rani Laxmi Bai Road, China, which falls in the regulated area of the Tomb of Mushirzadi, who was Begum of Nawab Saadat Ali Khan (1798-1814 A.D).

Following further details have also been furnished -

Distance between the monument and site of construction

- (a) Monument - 220 m
- (b) Fenced limit - 186m

Ground conditions around the monument

- North- Road and Begum Hazrat Mahal Park,
- South- Buildings with maximum approx. height of 15 m
- West- Road and building approx. height 10 m
- East- Road, park.

Ground conditions around the site of construction

North- Road, Park and K. D. Singh Babu Stadium approx. max. height -18.90 m

West- Road, park and Parivartan Chowk approx. max. height of 15 m

East- Buildings with max. height of 13 m approx.

South- Buildings with approximately height of 21 m

It has been informed that the applicant has already constructed a seven-floor building with water tank, machine room and mummy at the site and the proposal is for regularizing the building.

The Lucknow Circle had issued N.O.C. for construction of the hotel building in favour of Gemini Continental Hotel Ltd., Sahu Theatre Building, Hazratganj, Lucknow on 16.12.1992. SA, Lucknow Circle has informed that since the power was not delegated to the Circles of ASI to accord NOC in 1992, a view is to be taken on the decision taken earlier by Lucknow Circle and also the height permitted. As per the existing powers delegated to SAs of the Circles permission for construction could be granted upto a limit of 15 m in first 100 m of the regulated area and upto 30 m in the second 100 m of the regulated area. It is further submitted that SA, Lucknow Circle has submitted a copy of the Notification in respect of Tomb of Saadat Ali Khan and Tomb of Mushir Zadi, wife of Saadat Ali Khan wherein only the monument has been notified as protected without mentioning the area around under protection.

SA, Lucknow Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee observed that the construction of the building has already been taken up by the applicant as per the blanket permission given by SA, Lucknow Circle in 1992 as the construction site lies in the regulated area of the protected monument. The Committee also took note of the background of the case and recommended that ASI may have no objection to grant ex-post-facto permission for the construction already raised with basement subject to height restriction of 30 m since only the monument has been notified as protected (without mentioning the area around under protection) and also that the site of construction falls in the second regulated area of the nearest monument (220 m).

19. Permission for construction in favour of Shri Madhav Tiwari near Sikander Bagh. (F.No.24/114/2009-M)

SA has informed that the monument was protected vide Notification No.UP 1645-M/1133 dated 22.12.1920.

Distance between the monument and site of construction

(a) Monument – 106.80 m

(b) Fenced area – 69 m.

Ground conditions around the monument

East- N.B.R.I. building and office of the Agriculture Dept.(Approx. height 12m.)

West- Road (Ashok Marg) and N.B.R.I. Garden.

North- Road and Hindustan Times Building and other buildings (Approx. height 13m.)

South- Rana Pratap Marg, Doordarshan office building and Tower (Approx. height 15m.)

Ground conditions around the site of construction

East- Building approx. height 15m.

West- Building approx. height 15m.

South- Building approx. height 15m.

North- Road (Rana Pratap Marg) and N.B.R.I. garden and building N.B.R.I. approx. height 10m

The request for N.O.C. for the proposed construction was not acceded to by the Circle, since it falls in the prohibited area, if the present fenced area is taken as protected limit.

The applicant has made a representation against the decision of the Circle challenging the protected limit of the centrally protected monument, Sikandar Bagh, on the ground that the protection limit has not been mentioned in the Gazette Notification. The land adjacent to the monument which is shown as part of protected area has also not been acquired by the ASI through Notification in the Gazette, and, therefore, protection limit as claimed by the A.S.I. is not correct.

SA, Lucknow Circle has informed that the preliminary and confirmatory notifications in respect of Sikander bagh Buildings do not specify the protection limits of the monument and this office processed the case as per the site plan available, wherein the adjacent Nazul land has also been shown as protected although there is no record or notification to substantiate it. SA has thus requested that an appropriate decision may be taken.

SA, Lucknow Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee observed that the distance of the property where the construction is proposed should be measured from the monument / protected area as defined in the protection notification. In the present case, the notification makes a mention only of the protected monument and not the vacant land around and hence the distance should be measured from the monument and not from the existing boundary wall / fencing which may have been created later, for the purpose of arriving at whether the construction site falls in the prohibited area or regulated area as per the definition contained in the 1992 notification. It was recommended that SA, Lucknow Circle may dispose of the case at his level within the powers delegated to him.

20. Permission (ex-post-facto) for construction of City Montessori School building, Aliganj, Lucknow. (F.No.25/53/2006-M/24/136/2009-M)

The cemetery also known as Christian Cemetery contains the graves of Englishmen who died while in service of East India Company. Thus a large number of graves and memorial pillars of the Britishers with their names , ranks etc. along with inscription engraved on their cenotaphs were raised within an enclosure wall. The cemetery is known as Marion Cemetery.

The ground conditions around the monument

North- Open land, nala & residential buildings, height – 10 m approx.

East – open land and C. M. S. School building (height – 16m)

South- Open land

West- Open land, road and buildings (10 m)

The ground conditions around the site of construction

North- Open land, nala & residential buildings, height – 10 m approx.

East – open land and C. M. S. School building (height – 16 m)

South- Open land

West- Open land, road and buildings (10 m)

SA, Lucknow Circle has informed that CMS building has already been constructed without obtaining prior permission from the ASI which was duly objected to by the ASI.

As the construction of the building was started without obtaining licence from the ASI, Lucknow Circle issued Show Cause Notice and requested the District authorities & LDA for stopping the work. The Directorate General was also requested to issue demolition order .

The City Montessori School did not take due cognizance of the notice dated 28.08.06 and continued with the illegal construction and therefore, the Competent Authority was constrained to issue demolition order on 14.03.2007 (which was amended by order at 19.04.2007) directing the District Magistrate, Lucknow to demolish the said unauthorized construction. Mr. Jagdish Gandhi filed Writ Petition No. 3739(M/B) of 2007 against the demolition order issued by the Director General, ASI. The ASI, later, filed a counter affidavit on 03-7-07. Hon'ble Court has granted stay in favour of the petitioner. Shri Gandhi has further requested the Hon'ble Court to direct the ASI to consider his representation dated 23-2-09.

SA, Lucknow Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown. He also explained the background of the case and informed that the matter is still under litigation.

Decision

The Committee recommended that ASI may reject the request as the applicant has carried out the construction unauthorisedly, despite issue of notices to him in this regard which clearly indicates the scant respect the applicant has for the rules in force. The Committee further observed that the matter is presently sub-judice hence recommended that ASI may await for orders of the Hon'ble High Court before disposal of the case.

MUMBAI CIRCLE

21. Request for development of Siva Temple, Ambarnath, Distt. Thane submitted by Dy. Engineer, PW sub-division, Ulhasnagar, Maharashtra. (F.No.24/161/2008-M)

The proposal is for undertaking development at Siva Temple premises, Ambarnath, Distt. Thane, Maharashtra submitted by Dy. Engineer, PW Sub-Division, Ullashnagar. The proposal relates to –

- (i) Reconstruction of shop.
- (ii) Construction of bridge.
- (iii) Construction of budging.

The Government of Maharashtra, considering the existing condition and large number of visitors coming to the temple for worship on festival days including Sivaratri has proposed certain developmental activities in the prohibited area of the Siva temple, which is also a protected monument. The proposal is for providing basic tourist facilities at the monument.

Dy. SA, Mumbai Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area were also shown.

Decision

The Committee recommended that ASI may grant permission for construction of toilets and landscaping of open spaces subject to the condition that the work should be carried out in consultation and close supervision of Mumbai Circle. In regard to construction of shops the Committee was of the opinion that ASI may not agree to construction of any permanent structure within the protected and prohibited area of the monument. However, it was recommended that the

reconstruction of the existing shops should compulsorily be done using temporary building material, and subject to the condition that the area and height of the shops shall not be increased in any manner.

22. Request for proposed redevelopment of the Existing chawl building on plot bearing CTS No.1331, 1331/1 to 1331/13 of Village Eksar, Borivali (West), Mumbai. (F.No.24/187/2008-M)

M/s Kartik Enterprises, had made an appeal to DG, ASI for permission to undertake construction of residential/commercial building at the site. As per the existing guidelines, Mumbai Circle had issued the license for construction with 15 m height from the ground/road level. Now the applicant had approached for relaxation in height and had requested for an additional height of 15.21 m. He had accordingly submitted the building plans with a total height of 30.21 m excluding the over head tank & lift machine room. The proposed construction site is at a distance of 176 m from the Mandapeswar Caves. The proposal thus comes in 1st regulated area where a height of 15 m can be permitted as per the guidelines. He has further informed that the Committee had cleared almost a similar proposal of M/s Tirupati Developers in this area for construction upto the height of 24 m.

SA, Mumbai Circle had given a power-point presentation on the proposal on 22.1.2009 before the Committee. The Committee had observed that the presentation does not contain the details of the buildings which fall in alignment between the site of construction and the monument. It was felt that the details in respect of height of the existing buildings should be furnished to the Committee for perusal. The decision on the proposal was deferred.

SA, Mumbai Circle again made a power-point presentation on the proposal before the Committee.

SA, Mumbai Circle gave a fresh power-point presentation on the proposal on 22.5.2009 before the Committee. The Committee was of the view that roof line of the Church, which is the tallest building could be the ultimate cut-off line for the building proposed to be constructed and therefore, it was desired that SA, Mumbai Circle may himself verify the height of the roof line of the Church building and report to the Committee in its next meeting for a decision in the matter. The Committee had also observed that in regard to difference in contour of the area, the applicant should submit a survey plan of the area between the monument and the site of proposed construction mapping all the existing features for perusal. The decision on the request of the applicant was deferred.

Dy.SA, Mumbai Circle once again explained the main highlights of the proposal and informed the height of the buildings falling in the alignment between the monument and the construction site.

Decision

The Committee observed that the details sought in the last meeting have not been furnished by Mumbai Circle. It was desired by the Committee that SA, Mumbai Circle should verify the details at site and submit the details in the next meeting along with other documents.

23. NOC proposals for height relaxation for construction of buildings in the regulated area of Jogeshwari Caves, Mumbai.

i) **CTS No.157, Majas, Andheri, R.R. Thakur Marg, Jogeshwari (East), Mumbai in respect of M/S Shekhar Arolkar & Associates, Mumbai at a distance of 156 m from the protected limit of Jogeshwari Caves i.e. first 100 m of the regulated area. (F.No.24/19/2008-M)**

- ii) **CTS Nos.157, 157/1 to 55, 158, 158/1 to 33 & 192 (Part), Majas, Jogeshwari (East), Mumbai in respect of M/S Raj Developers, Mumbai at a distance of 102 m from the protected limits of Jogeshwari Caves i.e. first 100 m of the regulated area. (F.No.24/18/2008-M)**
- iii) **CTS No.153 (part), Majas, Jogeshwari (East), Mumbai in respect of M/S Shreeya Services Pvt. Ltd., Mumbai at a distance of 176 m from the protected limit of Jogeshwari Caves i.e. first 100 m of regulated area. (F.No.24/16/2008-M)**
- iv) **Plot No.365 in Village Majas (Pt.III), Jogeshwari (East), Mumbai in respect of Shreeya Services Pvt. Ltd., Mumbai at a distance of 180 m and 190 m from the protected limit of Jogeshwari Caves i.e. first 100 m of regulated area.(F.No.24/17/2008-M)**
- v) **Permission for construction of CTS Nos.192 A, 192 B, 288 part, 290, 317, 318, 318/26, 318/27 of village Majas at Jogeshwari (E), Mumbai by M/S Raj Realtors Builders & Developers. (F. No.24/60/2008-M)**

SA, Mumbai Circle had made presentations on all the above proposals before the Committee with the help of area map, drawings and photographs explaining the ground conditions. The applicants have requested the DG, ASI to relax the height restriction of 15m in the first 100m and 30m in the second 100m of the regulated area as imposed by the SA, Mumbai Circle keeping in view the Guidelines.

The Committee had advised in the meeting held on 22.5.2009 that since a large part of the area around Jogeshwari Caves is to be redeveloped, and several slums are to be rehabilitated, the ASI may request the BMC / MMRDA to prepare a Comprehensive Development Plan limiting the maximum height for the buildings to be constructed in the first 100m and second 100m of the regulated area of Jogeshwari Caves. While preparing this plan, BMC / MMRDA may keep in mind the interest of the monument. The Committee had felt that the decision on all the above proposals may be deferred by ASI till BMC / MMRDA prepares the Comprehensive Development Plan and present it to ASI for approval by the Expert Advisory Committee.

It is stated that MMRDA/BMC authorities had been requested to prepare comprehensive development plan accordingly. SA, Mumbai Circle has informed that BMC authorities have stated that they do not have any plans for the Jogeshwari Caves and the ASI may prepare the development plan restricting the height of the buildings to be constructed in the first and second regulated area of the monument. But, no letter to this effect was received by the Directorate General. SA, Mumbai Circle was requested in the 19th meeting of the Expert Advisory Committee to obtain a copy of the letter from BMC and send the same to the DG, ASI to take a view in the matter.

SA, Mumbai Circle has informed that a copy of letter issued by BMC has now been procured.

Decision

The Committee observed that a decision had been taken in one of the earlier meetings that ASI should request BMC / MMRDA to prepare a Master Plan for Jogeshwari area suggesting the height of constructions keeping in view the ambience of the monument which could be considered by the Committee to take a view on maximum height to be permitted for the buildings to be constructed in the regulated area of the monument. It was again stressed by the Committee that the matter may be taken up by the ASI at the highest level of the State Government hierarchy for preparation of the Master Plan. DG, ASI agreed to take up the matter with the Chief Secretary, Government of Maharashtra.

24. Request for construction of residential building at C.S. No.141, Shaniwar Peth, Pune within restricted area from Shaniwar Wada, Pune in favour of Shri Sumant Dattatraya Paranjape, Shaniwar Peth, Pune. (F.No.24/4/2009-M)

Shri Sumant Paranjape has applied for issue of NOC for the construction of residential building consisting basement, ground and two floors along with mumty / machine room / water tank with a maximum height of 9 m from ground level. The site of proposed construction is located in the prohibited area of Saniwarwada, a centrally protected monument at a distance of 80 m from the protected limit. SA, Mumbai Circle has informed that the surrounding area of the monument is thickly populated with residential and commercial buildings and the site of construction is also surrounded by buildings having 2 to 3 floors. The applicant has also submitted that earlier he had obtained necessary permission from the Pune Municipal Corporation in 1999 to take up the reconstruction on the said plot. Later, the Mumbai High Court directed him to submit a fresh proposal. The fresh plan is not approved. Shri Sumant Paranjape has submitted that the Mumbai High Court in its order has specially mentioned considering his advanced age that Pune Municipal Corporation should expedite the process of approval of the building plans. The applicant has informed that Pune Municipal Corporation is not clearing the proposal for want of NOC from ASI.

SA, Mumbai Circle has informed that the site of construction is 88 m from the centrally protected Saniwarwada. The height of the proposed construction (ground + 2) is 9 m excluding parapet and mumty. The area around the construction site is thickly populated with many residential and commercial buildings. Even multi-storied buildings exist in the prohibited and regulated area of the monument. The applicant has approached the ASI for grant of permission after the Bombay High Court passed an order in favour of the applicant in 2007 with direction to submit a fresh proposal to Pune Municipal Corporation for clearance of building plans. The Pune Municipal Corporation after receiving the application had directed the applicant to approach the ASI since the site falls in the prohibited area of Saniwarwada.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

25. Request for proposed Slum Rehabilitation Scheme on Plot bearing C.S.No.192, 193, 194, 195, 204 (pt.), 212, 213 & 214 of village Mandpeshwar, Laxman Mhatre Road, Borivli (W), Mumbai in favour of Sameer Constructions. (F.No.24/10/2009-M)

The construction site falls partly in prohibited and partly in regulated area of Mandapeswar Caves, Borivli. The construction proposal relates to Slum Rehabilitation Scheme on the plot which starts from 65 m away from the monument. There is a 18.30 m D.P. road on front side of the plot which is slightly encumbered by slum and is to be widened as per the D.P.. There is one more 18.30 m D.P. road between the plot which is totally encumbered by slum structures. By implementing the Slum Rehabilitation Scheme, the applicant proposes to clear the slum for widening of the roads. There is also a proposal to construct buildings comprising ground + 7 floors within 100 m having height upto 24 m and ground + 22 floors within 100 m to 200 m. A building block having height upto 70 m beyond 200 m has also been proposed under the scheme.

The applicant has been issued permission for construction of buildings in the regulated area upto the maximum height of 15 m by SA, Mumbai Circle.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

- 26. Request of Shri Sanjay Vitthal Bansude, Prerna Sahkari Grahachana Sanshta Marydit, Flot No.12, C.S.No.134, Shaniwar Peth, Pune for additional FSI at C.S.No.134, Shaniwar Peth, submitted By Shri Sanjay Vitthal Bansude.Pune. (F.No.24/41/2009-M)**

The proposal is for construction at a distance of about 135 m from the protected monument, Saniwarwada for which prior permission from the ASI was not obtained. The construction at the site had come up upto the height of 17 m at the time when the site was inspected by Mumbai Circle officials. As per indirect reference the building is almost in the completion stage.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

- 27. Request of Shri Shailendra Shashikant Lomte and Shri Abhay Shashikant Lomate for renovation CTS No.458, 458/A, 458/1, Somwar Peth, Karad 415110 Tal – Karad, Dist.-Satara (MS). (F.No.24/55/2009-M)**

The applicants have approached the DG, ASI for grant of permission for construction of a building at a site which originally had a building. The original building, as per the applicant, has fallen down during the rainy season of 2006. The old house was double storied having height of 6.5 m on front and 8.5 m on rear. The site of construction is 71 m away from of Pantacha Kot or Got which is a centrally protected monument. SA, Mumbai Circle had rejected the proposal vide his letter dated 29.11.2008.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

- 28. Permission for reconstruction of structure already in existence at CTS 1171/B on final plot 543B submitted by Ramkrishna Balawant More, 391/B, Rawiwar Peth, Pune. (F.No.24/74/2009-M)**

The proposal is for construction of a building at 0 m distance from the protected monument, Pataleswar Caves at Pune.

There is a wide road in front of Pataleshwar caves. The area has many commercial & residential buildings having Gr.+ 1 to Gr.+5

North - Open Plot (Site VIR) & Post Office building followed by Shivaji Nagar road

South - Janglee Maharaj Temple.

East - Road & further petrol pump & multi-storied buildings.

West- Multi-storeyed building (Silver Splendour) just adjacent to boundary of protected limit of the monument.

The proposed construction site is adjacent to the protected limit. There is no construction in between the monument and the site of construction. The plot is vacant except a platform and floor of the structure which originally claimed to have existed. The applicant desires to construct a building upto the height of 14.97 m excluding parapet wall, mummy, lift room and water tank (comprising parking and four floors). The purpose for construction is commercial-cum-residential.

Dy. SA, Mumbai Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area were also shown.

Decision

The Committee recommended that the ASI may reject the request considering that the proposed construction shall mar the view of the monument and its ambience.

29. Permission for construction at C.S.No.460L Somwar Peth, Karad submitted by Shri Vijay Pandurang Watagaoukar. (F.No.24/73/2009-M)

The applicant intends to construct building at a site which originally claimed to have a hundred years old building. The original building was demolished by the applicant about 3 years back. The height of the proposed construction is 12 m from the ground level. The applicant has claimed that in between the monument and construction site there are many old and new buildings having height ranging from 6 m to 15 m and as such the proposed construction shall not obstruct the view of the monument or cause any damage.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

30. Regularisation NOC of already construction and occupied residential and commercial (Part) building (Raj Tower C-op. Hsg. Soc.) of Wing 'B' on plot bearing CTS No.366, 366/1 to 8 and 375 (Part) of Village Majas, Taluka, Andheri, Jogeshwari (East), Mumbai submitted By M/S Raj Constructions. (F.No.24/84/2009-M)

The proposal is for construction under Slum Rehabilitation Scheme for two Wings (Wing A and Wing B). The height of Wing A is 24 m comprising ground + 7 floors having a distance of 205 m from Jogeshwari Caves. The proposed height for Wing B is 26.10 m having stilt + ground floor + seven floors at a distance of 195 m from the protected monument. SA, Mumbai Circle has granted permission for construction of Wing A upto the height of 24 m which is 205 m away from the monument. The applicant has appealed to DG, ASI for permitting him to take up construction of Wing B which is located at a distance of 195 m having height of 26.10 m. The applicant has pleaded that there are a large number of buildings between the monument and the site of construction hence

there would be no obstruction in view of the monument if the height relaxation is granted in respect of Wing B.

Decision

The Committee recommended that till such time Comprehensive Development Plan for Jogeshwari Area is finalized the case may be deferred.

31. Permission for implementing a 1200 MW Coal-based Thermal Power Plant at Jaigad in Ratnagiri, Maharashtra submitted by Sr. VP & Director, JSW Energy (Ratnagiri) Ltd., Maharashtra. (F.no.24/85/2009-M)

The proposal relates to establishing a 1200 MW thermal power project plant at Jaigad in Ratnagiri. The site of the project is 570 m away from Jaigad Fort, a centrally protected monument. The construction work at the site has already commenced as the compound wall, two tall chimneys and ring road around the project site are almost nearing completion. The works relating to construction of steel structure near the chimney and some other works near the jetty area, are in progress. SA has informed that the project authorities have been asked to approach DG, ASI for grant of permission and till such time the permission is granted the ongoing works should be stopped. But despite instructions the ongoing works have not been stopped by the project authorities.

SA has informed that the Fort is situated on the tip of peninsula on a cliff (it is on table land). It is surrounded by sea on eastern and northern sides. It has a commanding view of the bay and the open sea. The southern and western sides are open besides a small village.

North – Sea
South – Approach road and some hutments
East – Sea
West – Open space.

The project work site is situated near the south-west of the monument. The length of the plot is 9 km whereas the width varies from 0.6 km to 1.8 km. The entire area is almost uninhabited except 3 small villages situated around the above plot.

The Maharashtra Pollution Control Board has granted consent to establish the coal-based Thermal Power Plant. The MOUF has also given clearance to the project. But while granting clearance a condition has been laid that the authorities shall take adequate protection measures for safeguarding the Fort in consultation with the ASI.

Since the site of the Thermal Power Plant is less than 600 m from Jaigad Fort it is necessary that the environmental impact is assessed. The Thermal Power Plant authorities could be asked to get archaeological impact assessment done before the grant of permission for establishing the power-plant.

Dy. SA, Mumbai Circle gave a detailed presentation on the proposal with the help of photographs, drawings, site plan, Google Earth images and documents submitted by the applicants.

Decision

The Committee was of the opinion that ASI may ask the applicants to get Archaeological Impact Assessment done to ensure that setting up of power-plant, does not cause any adverse impact on the monument. It was recommended that the study should be got conducted by a reputed agency, clearly defining the terms of references and scope of work. The Committee desired that the

Archaeological Impact Assessment Report could be submitted before the Committee for examination. In the meantime, SA, Mumbai Circle should ensure that no construction activity takes place of the site.

32. Revised NOC for redevelopment at Property C.S.No.209 of Parel Sewree Division submitted by M/S Sahanika Trading Pvt. Ltd., 11, Vrindavan Deonar Farm Road, Mumbai. (F.No.24/83/2009-M)

The proposal submitted by the applicant relates to additional construction by raising the height of building to rehabilitated 549 tenants. As per the revised proposal the building to be constructed shall be ground + 18 floors having height of about 56.15 m. It has been stated that Mumbai Circle had granted permission for construction of a building upto the maximum height of 24 m since the site of construction falls within 200 m to 300 m of Siva bas relief located at Sewree, Mumbai. The applicant has also requested that the ownership has now been transferred from Mr. Shantilal Rawji, Trustee of Raobahadur Rawji Sojpal and Matushri kankuben Rawji Charitable Trust to M/S Sahanika Trading Pvt. Ltd. and as such the revised NOC may be issued in the name of M/S Sahanika Trading Pvt. Ltd.

Dy. SA, Mumbai Circle informed that detailed survey has not yet been done to document the ground condition.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

33. Permission for construction at CTS 176 (build up at east Side CTS 147/175) submitted by Shri Prakash Sitaram Gawali, Ambika Enterprises, 19, Timber Market, Bhavam Peth, Pune. (F.No.24/82/2009-M)

The proposal relates to development of a building located at Shaniwar Peth in Pune which is in very precarious condition. The applicant intends to reconstruct the building increasing its height. There is a 12 m wide road towards the south of the said property. The Shaniwarwada is situated towards the east side of the said property. In between the said property and Shaniwarwada there is a public road and following properties bearing CTS No.170, 173, 174 and 175 and road. The details of height in respect of following properties are as follows –

<u>CTS No.</u>	<u>Height of the building</u>	<u>Floors</u>
170	14 m	Ground + Three
173	14 m	Ground + Three
174	17 m	Ground + Four
175	15 m	Ground + Three

As stated hereinabove the building standing are in dilapidated condition and require to be demolished and reconstructed. Similarly the old tenants and the owners are also required to be rehabilitated in the said new proposed building.

Applicant has submitted that to avoid any impact on the historical Shaniwarwada, due to the new construction in and upon the said property, he is ready to keep a set back of 6 m from the main road in the interest of the monument.

Dy. SA, Mumbai Circle informed that detailed survey has not yet been done to document the ground condition.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

34. Permission for repair and renovation work in C.S.No.501, Panhala submitted by M/S Hotel Hilltop, Panhala. (F.No.24/119/2009-M)

The applicant had applied to SA, Mumbai Circle for grant of permission for changing the wooden/tile roof with RCC. The request was accepted on the condition that no alteration or increase in the height of the existing building shall be undertaken while carrying out the construction. On the basis of permission granted by the ASI, the Panhala Giristhan Nagarparishad Pradhikaran, Panhala gave the required clearance mentioning clause 13 to undertake the repair work with a design which is earthquake resistant. The applicant accordingly started the renovation/repairs. While the work was in progress the officials of the ASI inspected the site and on the basis of their report the permission so granted by Mumbai Circle was revoked on the ground that RCC columns have been raised. The applicant has mentioned that they have not violated the conditions as mentioned in the permission granted by ASI nor have extended the extent of the limit of the existing structure. The RCC columns were embedded in the wall to make the structure earthquake resistant as directed by the Nagar Parishad Pradhikaran. The applicant has assured that she will not resort to any violation of the conditions of the permission and would stick to what has been allowed. It has also been assured that she would provide the veneering stone on the exterior of the structure matching to the monument. She has requested that the permission granted by the ASI which has been revoked may be restored to her so that she may complete the work.

Dy. SA, Mumbai Circle explained the proposal before the Committee.

Decision

The Committee desired that an illustrated report on the proposal should be submitted in the next meeting of the Committee.

35. Permission for construction work at CTS No.440/1A/ 1B/1C/2 and 441, Shaniwar Peth, Pune Submitted by Director, Prerana Homes Pvt. Ltd., Manasi, 4/5, Anand Niketan Society, Karve Nagar, Pune,-411052. (F.No.24/124/2009-M)

The proposal is for increase in the height of the building which has been constructed upto the height of 7 m without obtaining prior permission from the ASI even though the site of construction falls in the first regulated area of Shaniwarwada. SA, Mumbai Circle has already raised his objection on the construction activities. In reply the applicants have expressed regret taking the plea that they had started the construction due to ignorance of the rules. As per the applicants the construction site is 165 m away from the monument. The proposed construction shall have the height of 18 m from the ground level.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

36. Permission for construction of wall compound around the open space near Begam Darga under Teerth kshetra Vikas Project by Maharashtra Govt. submitted by Sarpanch, Grampanchyat, Ghodeswar Peth, Begampur Tal. Mohol, Dist. Solapur. (F.No.24/102/2009-M)

The proposal is for construction of a boundary wall by Gram Panchayat, Ghodeswar (Begumpur), District Sholapur. The applicant has informed that the project has been sanctioned by the Maharashtra Government. The construction will improve the ambience of the monument and will stop encroachments and misuse of the open land. The ASI may use this land for landscaping and development for the monument. The construction of the boundary wall shall be at a distance of 90 m from the monument and the height of the wall shall be 5 m.

Dy. SA, Mumbai Circle informed the Committee that detailed survey has not yet been done by Mumbai Circle.

Decision

The case was deferred. The Committee desired that complete details should be submitted by Mumbai Circle in the next meeting of the Committee.

SRINAGAR CIRCLE

37. Request for willingness certificate for construction of overhead shelter on the path from parking area to Shankaracharya temple, Srinagar. (F.No.24/156/2008-M)

SA, Srinagar Circle has submitted that Shankracharya temple is a centrally protected monument declared as of national importance. The temple can be approached partly by motorable road and partly by foot. A flight of 243 steps with 23 landings has been provided from the base of the summit upto the temple covering a length of 168 m. The flight of steps of local Devri stone from the summit to the base of the temple has been provided by the Dharmarth Trust. The flight of steps leading to the base of the temple is within the prohibited area of the temple which has been proposed for providing and fixing fibre glass overhead shelter for protection from heat / rains for the visiting tourists. The project is being taken up by 19 Rashtriya Rifles (SIKH L1) C/o 56 APO under aegis of operation SadbavHn3. SA has recommended that stainless steel pillars and glass sheets in lieu of iron pillars and fibre glass sheets could be provided.

Dy. SA, Srinagar Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions.

Decision

The Committee recommended that ASI may grant permission for raising the shade along the pedestrian pathway by using stainless steel structure and glass. It was, however, also recommended that an MOU may be signed between the ASI and 19 Rashtriya Rifles (SIKH L1) in respect of day –to-day maintenance wherein responsibility should be fixed for maintaining the shade on 19 Rashtriya Rifles.

THRISSUR CIRCLE

38. Request of Secretary, Cochin Devaswom Board, Thrissur for new construction at Survey No.293. (F.No.24/12/2009-M)

Applicant has submitted that the Cochin Devaswom Board, Thrissur, Kerala is a religious institution legally constituted by the provisions of Travancore-Cochin Hindu Religious Institutions Act XV of 1950 for the administration of Hindu temples and Charitable institutions of erstwhile Cochin State. The famous Sree Rama temple at Triprayar is under the direct management and administration of Cochin Devaswom Board. Thousands of devotees from near and far areas come to this temple for worship, conduct of vazhipadus (offerings) and for getting blessings of Lord Sree Rama. A good number of devotees halt at the temple premises for long periods for "Bhajanam" (continued and uninterrupted prayer). At present, there is no lodging facilities for the devotees near the temple. There are complaints as well as representations from the devotees as well as well-wishers of the temple about the inadequacy of halting facilities and providing sufficient lodging arrangements with modern facilities.

The Cochin Devaswom Board has thus proposed for the construction of a new 'Sathram' (Lodge) for the accommodation of the devotees.

It has been informed that there is no vacant land near the temple under the ownership of the Board. But the construction of a Kalyanamandapam (Marriage Hall) near the temple was started by the Board years ago. This work was abandoned at the very initial stage by the contractor and he approached the Court for compensation for the loss sustained by him. The litigation is still pending. The proposal of the Board is to construct the new Sathram (Lodging Building) at the site of abandoned work of Kalyanamandapam (Marriage Hall) by remodelling it.

The Triprayar Sree Rama temple has been declared as a protected monument and hence new construction near the temple can be done only with the prior permission of the Archaeological Survey of India. The Superintending Archaeologist, Archaeological Survey of India, Thrissur Circle has objected the proposed construction stating that the proposed construction comes within the prohibited area and hence no new construction can be allowed as proposed by the Board.

SA has informed that the site of construction is 50 m away from the protected monument. The height of the monument is 11 m. The height of the proposed construction is 12.5 m having a plinth area of 710.72 sqm. of the ground floor, 710.72 sqm. first floor and 710.72 sqm. second floor.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that permission for the construction of Sathram (Lodge) could be granted by ASI to Cochin Devaswom Board subject to the condition that the height of the building to be raised should not increase more than the monument. It was desired that SA, Thrissur Circle should verify the height of the monument before issuing formal permission and make a exact mention of the height of the building to be constructed.

39. Request of Smt. Ramla, Ponnangara House, Edakkadu sowing establishment, Manikuni, P.O. Sultan Bathery for construction at Survey No.536/1 (RS No.263). (F.No.24/47/2009-M)

The proposal is for construction of second floor to the existing building at a site located about 90 m away from the centrally protected Jain temple, Sultan Bathery. The existing building is 6.30 m having ground floor area of 319.76 sqm. The area of the first floor is 375.32 sqm. The applicant intends to increase the height of the existing building upto 11.80 m. The purpose for construction is commercial. SA, Thrissur Circle has recommended the proposal with restriction on height.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that ASI may permit addition of first floor subject to height restriction of 10 m.

40. Request of Shri Rahul S/o Shri Bhaskaran, Sameeksha, P.O. Melepattambi, Palakkad, Thrissur for NOC. (F.No.24/48/2009-M)

The proposal is for construction of a new building in the prohibited area of Siva Temple, Netrimangalam, Pattambi, Palakkad District at a distance of 40 m. The height of the proposed construction is 7.95 m having 118.53 sqm plinth area and 60.89 m first floor.

North -	Vacant plot
East -	Residential building (5 m)
West -	Residential building (7 m)
South -	Vacant plot

SA has informed that the proposal was discussed by the Expert Advisory Committee earlier but due to some error in the measurement of the height the proposal was rejected. SA has recommended the proposal.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that ASI may allow construction of the building having height restriction of 7 m from the ground level.

41. Request of Shri Ashish Rozario, General Manager, Matheson Bosanquet Enterprises Ltd., Cochin for construction of building No.647 in Survey No.122/5, 122/6 on Ridsdale Road at Fort Cochin. (F.No.24/11/2009-M)

Shri Ashish Rozario, General Manager, Matheson Bosanquet Enterprises Ltd., Cochin has applied for reconstruction of a building at a distance of 65 m, falling in the prohibited area, from the centrally protected St. Francis Church, Kochi. The height of the monument is 19 m from the ground level. There are constructions on all the sides of the monument having maximum height of 12 m. There is also a road in between the monument and site of reconstruction. The original building which existed at the site having a height of 11.45 m has already been demolished. The plinth area of the ground floor and the first floor were 446.23 sqm and 424.54 sqm, respectively. The applicant proposes to construct a building at the site upto a height of 12.20 m having ground,

first and second floors. The purpose of the building to be raised is commercial-cum-residential. SA, Thrissur Circle has recommended the proposal with the condition that the height and the plinth area of the proposed building should be restricted to the original structure.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that the ASI may permit construction at the same site where a building originally existed subject to the condition that the volume and height of the building to be constructed should remain the same. It was desired by the Committee that SA, Thrissur Circle should exclusively mention the height and the volume of the building based upon the authenticated records/documents while issuing the formal permission.

42. Request of M/S Globlin Hotels & Entertainment (P) Ltd., Bekal, Kasaragod Dist. Kerala for land taken from Government setting up of temporary accommodation near Bekal Fort for permission. (F.no.24/52/2009-M)

The applicants have submitted that the Globlink Hotels & Entertainment Pvt. Ltd is engaged in tourism and allied activities. They have taken on lease 1.62 acres of land and facilities developed by Bekal Resorts Development Corporation (a Kerala Government Company) for setting up of a Tourist Facility Centre near Bekal Fort in Kasaragod district of Kerala. The Centre will have facilities such as Information Centre, Toilets, Restaurant, Snack counter, etc. The request for permission for setting up of some temporary accommodation in this centre was turned down by the Superintending Archaeologist, Thrissur Circle informing that the proposed activities except one, are coming within the 100m prohibited area of the Fort.

The applicants have submitted following facts -

1. We are not proposing any permanent construction at the site. The accommodation will be temporary using eco-friendly wooden material. Anytime, it can be shifted or removed without causing any damage to the area.
2. The locations of the proposed cottages are more than 6m below the level of Bekal Fort.
3. The maximum height of the cottages are 4m only.
4. All cottages are to be raised beyond 60m from the Fort wall.
5. The maximum digging required for foundation is 30cm or even less.
6. The cottages would in no way block the view of the Fort.
7. The cottages are coming in an enclosed area of 1.67 acres. The height of the cottages will be even below the existing boundary wall of the plot.
8. The premises already have some permanent buildings. All cottages are coming behind the existing structures.
9. ASI has recently given permission for setting up of facilities such as toilets, parking area, boundary wall (permanent construction) within the 50m from Fort wall to Bekal Resorts Development Corporation and work is progressing at site.
10. Tourists often complain about lack of accommodation facilities near Bekal Fort.

Bekal in Kasaragod district. of Kerala is special tourism area declared by Government of India. The project is being planned keeping Bekal Fort as the focal point of attractions. Various measures are being taken up by the Government to enhance the infrastructure of the Bekal area.

SA, Thrissur Circle has submitted that the site where the construction of 15 temporary cottages (except one) are proposed falls within the prohibited area of Bekal Fort. There is a road in

between the monument and the site of construction. The land where the construction has been proposed is leased out by BRDC, Government of Kerala Enterprises. The height of the temporary construction is 4.45 m.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that the ASI may not agree to the proposal since proposed construction shall disturb the ambience of the monument.

43. Permission for construction of residential building Survey No.77/4,77/5 submitted by Shri K.R. Indira, Kollayi House Chamber, Thruvegapura, Pattambi, Palakkad, Thrissur. (F.No.24/66/2009-M)

As per the information furnished by SA, Thrissur Circle the proposal is for a new construction in the prohibited area of Siva Temple, Netrimangalam, Pattambi, Palakkad District at a distance of 56 m from the protected limit. The height of the monument is 11 m.

North - 7 m (residential building)
East - 7 m (residential building)
West - Vacant plot
South - Vacant plot

There is a road in between the site of construction and the monument. The applicant has proposed to construct a double storeyed building having height of 6.55 m.

SA, Thrissur Circle has recommended the proposal.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that ASI may permit construction at the site with height restriction of 6.55 m considering that buildings already exist in close proximity of the monument and the proposed construction shall not cause further damage to the sky-line and ambience of the monument.

44. Permission for construction of residential house near Pervannum Siva Temple in Survey No.13/9 submitted by Shri Raj Mohan Menon, Madathil House, Peruvanam, Cherpu, Thrissur, Kerala. (F.No.24/63/2009-M)

The applicant has applied for construction of a new building on a vacant plot in the prohibited area of Siva Temple, Peruvanam, Thrissur District at a distance of 65 m. SA has informed that the height of the monument is 11 m. He has also furnished following additional information explaining the ground condition –

North - 6.50 m (residential building)
East - Vacant plot
West - 3.50 m (residential building)

South - 5 m (residential building)

The height of the proposed construction is 7.75 m having ground and first floor.

SA, Thrissur Circle has recommended the proposal.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that permission may be granted for construction upto the height of 7.75 m by the ASI.

45. Permission for construction of semi permanent building submitted by Shri P.I. Somanathan, President, Sanjeevani Samithi, Cherpu, Distt. Thrissur, Kerala. (F.no.24/98/2009-M)

The applicant has submitted a proposal for construction of a new building in the prohibited area of Siva Temple, Peruvanam, Thrissur District at a distance of 70 m. The height of the monument is 11 m. SA has furnished following details explaining the ground conditions -

North - School building (four storied)
East - Road
West - School building (3 storied)
South - School ground floor further beyond the Road

A road exists in between the monument and the site of construction. The proposed height of the construction is 5.70 m having ground floor only with 222.21 sqm plinth area. The purpose of the construction is to impart education to the students. SA has informed that on an earlier occasion an appeal submitted by the President, Sanjeevani Samithi for construction of School building at a distance of 50 m was rejected by the Director General on 5.9.2007. He has, however, recommended the proposal.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that permission may be granted for construction upto the height of 5.70 m by the ASI.

46. Permission for construction at Property No. RBG Traders, VI/93, Jew Town, Kochi submitted by Shri Rajkumar Gupta. (F.No.24/99/2009-M)

Shri Raj Kumar Gupta has proposed for undertaking renovation of the existing building which is 8 m high from the ground level. The site of existing building is 71 m away from the protected monument i.e. Mattanchery Palace at Cochin. SA has informed that the applicant had done renovation of the building without obtaining the NOC from ASI. Though Thrissur Circle had instructed him to seek NOC from ASI he did not comply and went ahead with the renovation. SA, Thrissur Circle has directed him to remove the additions and alterations done on the rear side of the building. SA has not recommended the proposal.

SA, Thrissur Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee took exception on the attitude of the applicant who intends to get his unauthorizedly constructed building regularized which was constructed despite objections raised by ASI. It was desired that SA may take further follow up action against the unauthorized construction as per rules.

VADODARA CIRCLE

47. Permission for construction of Vir Memorial at Patan, Gujarat. (F.No.24/127/2008-M)

The request is for construction of Maya Memorial in the regulated area of Sahastralinga Tank at Patan, a centrally protected monument at a distance of 120 m. SA, Vadodara Circle has informed that the applicants had started construction at the site without obtaining permission from the ASI. They had raised the framed structure comprising ground and first floor. The construction work was got stopped after notices were issued by SA, Vadodara Circle. The height of the proposed construction is 19 m (Ground + 2 +roof top). As per the report received from SA the area around the monument is free from any construction. But on the south of the site of construction a temple of Virmaya is located. On the west is located Rani Mahal having height of 5 m. SA, has recommended the construction proposal.

The construction site is located close to Rani-ki-Vav, a protected monument, which has been included in the tentative list of World Heritage Site.

Surrounding situation and height of the existing buildings near the monument, as communicated by SA, are as under -

Surrounding situation and appropriation height of the existing building near by monument	
North:	Open area
South:	Open area
East:	Road & Field Area
West:	Open area
Surrounding situation and approximate height of the existing building near the proposed construction	
North:	Road & Open area
South:	Adj. Temple of Virmaya (ht 15 m)
East:	Approach road & Open area
West:	Open area & Rani Mahal (ht 5 m)

The matter was discussed in the Expert Advisory Committee meeting held on 22 January, 2009 wherein it was decided that Vadodara Circle may consider granting permission for construction at the site upto the maximum height of 15 m subject to clearance from the World Heritage Section of the Directorate General, since the nomination dossier for Rani-ki-Vav, Patan is under preparation under its guidance.

The matter was accordingly referred to Vadodara Circle. SA has informed that since there is no fixed parameters as per the World Heritage Convention in regard to buffer zone, the Committee may take a view on the proposal.

SA, Vadodara Circle again gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that the ASI may regularize the structure upto the maximum height of 15 m subject to the condition that the applicants would demolish the portion of the building already constructed beyond 15 m.

- 48. Permission for reconstruction of Block A, B, C, D, E & F of commercial building in F.P.No.140/Part, T.P.S.No.14, Dariyapr – Kazipur, Ahmedabad near Achyut (Kuki) Bibi's Masjid and Tomb, Ahmedabad by M/s Riddhi-Siddhi Enterprse, Rustam Mills, Dudheshwar Road, Ahmedabad. (F.No.24/135/2008-M)**

Additional City Engineer, has made a request for grant of permission for construction of buildings in the prohibited area of Achyut (Kuki) Bibi's Mosque and Tomb at a site located about 22 m away. The height of buildings to be constructed is 12.40 m (GF + 3), excluding parapet wall, stair cabin and OHWT. It has been informed by SA, Vadodara Circle that the applicants have started construction of 4 blocks out of 12.

SA has submitted following details on existing ground conditions -

Surrounding situation and appropriation height of the existing building near the monument.

North:	Open Land (Proposed site) & GF, GF+1 (ht 4 to 7 m)
South:	Many Resi. Bldg. GF, G+1 (ht 3 to 6 m)
East:	Road & Resi/ Comm. Bldgs. GF, GF+1 & 2 (ht 3 to 10 m)
West:	Resi bldg GF, GF+1 (ht 3 to 6 m)

Surrounding situation and approximate height of the existing building near the proposed construction.

North:	Open Land Part of F.P.No. 140 & GF, G+1 (ht 4 to 7 m)
South:	Protected Mts. (ht 17.90 m)
East:	Road & GF, G+1 bldg. (ht 4 to 7 m)
West:	Open Land & GF, G+1 (ht 4 to 7 m)

SA, Vadodara Circle gave a power-point presentation on the proposal with the help of photographs, area map, Google Earth image and drawings before the Expert Advisory Committee meeting held on 22 January, 2009. He also informed the Committee that the Ahmedabad Municipal Committee has informed that the Director General had accorded permission for undertaking construction on the same property in 2006 and as such permission for further construction may be accorded by the ASI. The Committee had desired that records in the Directorate General may be checked to ascertain the nature of permission given. On verification of the records it was found that no such permission had been issued by the Directorate General in 2006.

SA, Vadodara Circle again gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that ASI may grant permission for construction of buildings having ground, first and second floors with overhead water tank over the roof terrace having maximum height of 9.50 m (excluding mumty and overhead water tank). The Committee also advised that the overhead tank should be raised over the roof terrace and not over the mumty.

49. Permission for extension of height for construction of residential building in P.T.S.No.78/28-B/Part, Moti Daman (U.T.) near Church of Our Lady of Remedios, Moti Daman (U.T.) by M/s Highway Services Pvt. Ltd., Moti Daman. (F.No.24/146/2008 –M)

The request is for according permission for construction of residential building in the regulated area of Church of Our Lady of Remedios, Moti Daman (UT) upto the height of 31.90 m (parking – GF + 10 storeyed) excluding parapet wall, stair cabin, lift machine room and OHWT. SA has informed that the applicant was granted permission for construction upto the maximum height of 15 m excluding parapet wall, stair cabin, lift machine room and OHWT since the site falls in the first 100 m of the regulated area (118 m). The applicant has now appealed for relaxation in the height restriction so imposed.

SA has submitted his report mentioning the details along with photographs and area map. He has submitted following details on surrounding conditions around the monument and site of construction.

Surrounding situation and appropriation height of the existing building near the monument

North:	Road & resi blsg. GF+1 (ht upto 7 m)
South:	GF bldg. (ht upto 4 m)
East:	Garden, Main Road & Resi. Houses, GF+1 (ht upto 7 m)
West:	Hall of Church GF (ht 3 m)

Surrounding situation and approximate height of the existing building near the proposed construction

North:	Open land & Road & Bal Bhavan Bldg. GF+1 (ht upto 8 m)
South:	Resi Bldg. GF+1 (ht upto 6 m)
East:	Open Plot & Road & Resi bldg. GF (ht 4 m)
West:	Resi bldg. (Parking, GF+10) (ht upto 33 m) and resi. bldg. (ht upto 24 m)

Although the SA, Vadodara Circle gave a power-point presentation on the proposal with the help of a few photographs, drawings and locality map, the Committee in its meeting held on 22 January, 2009 had desired that more photographs, area map showing the existing buildings duly marked with their respective height, and Google Earth image need to be made available by SA, Vadodara Circle for the Committee to make an assessment of the ground situation.

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee expressed dismay on construction of a building which has come up close to the site of proposed construction having a height of 33 m. It was desired by the Committee that SA,

Vadodara Circle may verify the facts at site and submit a detailed report in the next meeting. The decision on the proposed construction as requested by the applicant was deferred.

50. Permission for reconstruction of residential building in the prohibited area of Jami Masjid, Bharuch in C.S. No.4059, Ward No.4, Bharuch in favour of Shri Ismail Sulemani Multani. (F.No.24/10/2006-M)

The applicant had appealed to DG, ASI for grant of permission for reconstruction of a building at the site of an existing 9 metre high building. The height of the proposed building is 6.90 m. (excluding parapet wall). The site of construction is located at a distance of 10 m. falling in the prohibited area of centrally protected Jami Masjid at Bharuch. The details furnished by S.A., Vadodara Circle are as under:-

Surrounding situation and approximate height of the existing buildings near the monument

North: Road & school building (GF+1), height upto 09.00 m.

South: Road & residential buildings (Gf+1 & GF+3), height upto 12.00 m.

East: Road & residential building (GF+2) height upto 10.00 mts

West: Road & residential buildings (GF+1&GF+2), height upto 10.00 m.

Surrounding situation and approximate height of the existing building near the site of proposed construction

North: Road & residential building (GF+1), height upto 07.00 m.

South: Road & residential building GF+2 height 9.00 m.

East: Road & Jami Masjid.

West: Lane (Road) & residential Building GF+1 ht. 7.00 m.

The presentation given by the Dy, SA, Vadodara Circle on 7.5.2008 before the Expert Advisory Committee did not contain adequate details. The Expert Advisory Committee in its 15th meeting held on 7.5.2008 had opined that more documentation of the area surrounding the monument including photographs, Google image, better area map and other relevant documents are necessary to assess the existing situation. The decision on the proposal was deferred.

The details have now been sent by SA, Vadodara Circle.

Although a fresh power-point presentation was given by SA, Vadodara Circle before the Expert Advisory Committee on 22 January, 2009 explaining the ground conditions, the Committee desired that the details of earlier construction existing at the site should have been collected by the SA. It was also suggested that more photographs and area map showing the existing buildings with their respective height should be made available to the Committee for understanding the ground conditions better. The members also desired that SA may obtain a copy of the letter issued by the Municipal Committee to the applicant to demolish the original structure.

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that permission for construction upto the maximum height of 6.9 m may be granted by the ASI.

51. Permission for reconstruction of Primary School Building in the prohibited area of Bahlol Khan's Gazi's Mosque, Ahmedabad in C.S.No.869 to 873, 875 & 876, Tika No.2, Dholka,

Ahmedabad in favour of Shri Abdul Karim Resulbhai Ghanchi and Shri Abdul Karim Nathubhai Ghanchi, Ahmedabad (F.No.24/77/2007-M)

The applicants have appealed to permit them for construction/reconstruction at the site of existing 3 metres high building (C.S. No. 869 to 873, 875 and part of C.S. No.876). The construction site is located in the prohibited area of Bahlol Khan's Gazi Mosque, Dholka, Ahmedabad at a distance of 0 m. The applicants desire to construct/reconstruct the building upto the height of 3.65 m. (ground floor only, excluding parapet wall, cabin and overhead water tank). S.A., Vadodara Circle has furnished following additional details -

Surrounding situation and approximate height of the existing buildings near the monument

North: Road & residential building GF, GF+1(N.E. side) & cinema complex ht. upto 8.00 m.

South: Adjacent lane & residential buildings GF ht. 4.00 m.

East: Adjacent school building GF ht. 4.00 m.

West: Lane & residential building GF & GF+1 ht. 4.00 to 8.00 m.

Surrounding situation and approximate height of the existing buildings near proposed construction

North: Adjacent school building ht. 3 mts. & commercial building (shop) GF ht. 3.00 m.

South: Primary School, GF, height 3 mts. & residential building GF+1, height 6.00 m.

East: Road & commercial/residential building G.F. & GF+1 ht. 4.00 to 6.00 m.

West: Adjacent monuments protected area & old building (Rice Mill) GF ht. 4.00 m.

Dy. SA, Vadodara Circle had made a presentation on the proposal submitted by the applicant informing that the construction site is just adjacent to the protected area and the applicants have already started the construction at the site. The Committee in its 15th meeting held on 7.5.2008 noted that the presentation did not contain adequate details as the photographs and maps shown are inadequate to assess the ground condition. They desired that more details need to be made available to take a view on the proposal. The decision on the proposal had been deferred.

SA, Vadodara Circle gave a power-point presentation again before the Committee on 22 January, 2009 with the help of photographs, drawings and area map. The Committee was not satisfied with the home work done by the Circle as with the data made available it is not possible to evaluate the ground conditions. It was also observed that the Circle should have collected the details of the building which originally existed at the site. It was further mentioned that the applicant should have been asked to submit the relevant documents whereby he was asked by the Municipal authorities to demolish the building. It was desired by the Committee that SA, Vadodara Circle should undertake better documentation of the ground condition in relation to the monument and collect the copy of the letter issued by the Municipal authorities for demolition of the original building at the site and revert back to the Committee.

SA, Vadodara Circle gave a fresh power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee advised the ASI to grant permission for construction of a single storeyed building upto the maximum height of 3.6 m.

52. Request for construction of Kankaria Lake Front Development Project near Inlet to Kankaria Tank, Kankaria, Ahmedabad-Gujarat in favour of City Engineer, Ahmedabad Municipal Corporation, Sardar Patel Bhavan, Danapith, Ahmedabad, Gujarat (F.No.24/2/2009-M)

Ahmedabad Municipal Corporation had submitted a proposal for execution of Kankaria Lake Front Development Project in the prohibited and regulated area of Kankaria Tank, at Kankaria, Ahmedabad.

Surrounding situation and appropriation height of the existing building near by monument

North: Road & Zoo (ht upto 5 m)
South: Road & bal vatika & GF (ht upto 5 m)
East: Road & GF, G+1 (ht 4 to 7 m)
West: Tank Area

Surrounding situation and approximate height of the existing building near by proposed constructions

North: Road & Zoo GF (ht upto 5 m)
South: Road & Bal Vatika & GF, G+1 & 2 (ht upto 10 m)
East: Road & GF, G+4 (ht 4 to 15 m)
West: Tank area

SA, Vadodara Circle gave a power-point presentation on the project and informed the Committee on 22 January, 2009 that the road around the lake is now being used for running the toy-train and the vehicular traffic on the road has been totally abandoned. He informed that only inlet channel with an arched bridge, which is protected by the ASI, is the monument affected because of the Project. The Committee observed that on perusal of the photographs and drawings presented, it seems the proposal is in the interest of the monument. It was, however, desired that the Ahmedabad Municipal Corporation may be asked to give a power-point presentation before the Committee in the next meeting to take a final view.

Ahmedabad Municipal Corporation authorities gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee after having looked at the fresh presentation given by the officials of Ahmedabad Municipal Corporation expressed that the development carried out has improved the ambience of the monument and hence ASI may regularize the work already carried out at site.

53. Request for construction of residential building in CS No. 1165/A/1 & 1165/A/4 (Part), Ward No.7, Surat near Old Dutch & Armenian Tombs and Cemeteries, Surat Gujarat by Shri D.M. Charistian, Pamer of M/S Paradise, Gujarat. (F.No.24/70/2007-M)

The applicant has applied for construction on a vacant plot which falls in the prohibited area of Old Dutch and Armenian Tombs and Cemeteries, a centrally protected monument, at a distance of 43 m. from the monument. The height of the proposed building is 12.80 m. (Ground floor +3), which does not include parapet wall, staircase cabin (Mumty) and over-head water tank. Further details furnished by Vadodara Circle are as under:-

Surrounding situation and approximate height of the existing building near monument

North: Residential buildings GF+1, 2&3 height, 8.00 to 15.00 m.

South: Road & residential building GF+1&2, height 8.00 to 12.00 m.

East: Road & residential building GF+1,2&3, height 8.00 to 15.00 m.

West: Adjacent commercial building, GF & Residential building GF+1&2, height 4.00 to 12 m.

Surrounding situation and approximate height of the existing building near proposed constructions

North: Road, adjacent residential building GF+3, height upto 15.00 m & residential GF&GF+1 and 2, ht. 8 m.

South: Adjacent residential building GF+3 height 15 m, Road & GF residential building ht. 4.00 meters. East: Road & residential building (GF+2), height upto 10 m

East: Adjacent commercial building GF+2 height 12 m and NE Corner residential GF+3 ht. 15 m.

West: Adjacent commercial building (shed) & GF height 5 m.

Dy. SA, Vadodara Circle had explained the proposal in the 15th meeting of Expert Advisory Committee held on 7.5.2008 with the help of some photographs and an area map. The Committee had felt that further documentation, including photographs, better area map, Google image and more documents, are required to evaluate the proposal. The decision on the proposal was deferred.

SA, Vadodara Circle later submitted more details along with inspection report detailed drawing, layout plan, photographs and Google Earth image showing the existing buildings, site of proposed construction, etc. for examination of the Expert Advisory Committee.

SA, Vadodara Circle again gave a power-point presentation on the proposal before the Expert Advisory Committee on 22 January, 2009 and showed the photographs of the monument, site of construction and the existing buildings around, area map and Google Earth image. The Committee desired to know the details of earlier structure existing at the site and also the reason why the same was demolished. The members also felt that better photographs and lay-out area plan showing the existing buildings with their respective height need to be placed before the Committee for taking a decision.

SA, Vadodara Circle gave a fresh power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that the ASI may allow re-construction of the building upto the maximum height of building existing at the site. It was, however, recommended that SA, Vadodara Circle should verify the existing height of the building and inform the Directorate General before formal permission is granted to the applicant.

54. Request of Principal, Pavagadh Primary School, Halol, Distt. Panch Mahal for construction of Champaner (Pavagadh) Primary School. (F.No.24/36/2009-M)

Principal, Primary School, Halol, Dist. Panch Mahal had submitted a proposal for construction of Primary School building in Block No./Survey No.149, Champaner (Pavagadh), Dist. Panchmahals in the prohibited area of Mandvi or Custom House. The distance of the monument from the site is 43 m and that from the protected area 16 m. The plot is vacant. The construction proposed at the site is 6.9 m excluding parapet wall.

Surrounding situation and appropriation height of the existing building near by monument

North:	Adj.,ASI Sub-Circle Office, ht.4.50 m
South:	Primary School building
East:	Road and residential building (G.F and G.F.+1) height upto 4.00 to 7.00 m
West:	Road and protected area of three cells

Surrounding situation and approximate height of the existing building near by proposed construction

North:	Adj. part of school building G.F., ht. 4.00 m
South:	
East:	Road & GF, G+4 (ht 4 to 15 m)
West:	Tank area

SA, Vadodara Circle has informed that the Technical Committee of Champaner has not permitted for construction of the School building. The case was also rejected by Vadodara Circle.

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee after looking at the power-point presentation and the ground conditions recommended that permission for construction of School may not be granted by ASI since the proposed construction is likely to adversely affect the ambience of the monument.

55. Request of Shri Arvind Soma Vala, GPOAH of Shri Nandkishor Gandadal Dubal, Patelwadi, Diu (U.T.) for Construction of residential building in P.T.S.No.115/11(26), Hospital Road, Diu (U.T.) near Sant Paul’s Church, Diu. (F.No.24/35/2009-M)

The proposal is for construction of a residential building near St. Paul’s Church at Diu. The proposal earlier submitted to SA, Vadodara Circle had been rejected since the site of construction falls in the prohibited area at a distance of 79 m from the monument. The construction site is vacant. The applicant desires to construct a building having maximum height of 6.6 m excluding parapet wall and mumty.

Surrounding situation and appropriation height of the existing building near by monument

School Bldg. GF+1 (ht upto 10 m)
Road & Resi bldg. GF (ht upto 4 m)
Road & Resi bldg. GF & GF+1 (ht 4 to 8 m)
Open Plot & Resi bldg. GF+1 (ht upto 8 m)

Surrounding situation and approximate height of the existing building near by Proposed construction

Open Plot
Resi Bldg. GF+1 (ht upto 6 m)
Road & Open plot
Resi Bldg. GF+1 (ht 6 m)

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee observed that the area around the monument is having many constructions and permitting construction of the building as proposed by the applicant shall not cause any further adverse effect on the ambience. It was recommended that the ASI may grant permission for construction of the building upto the maximum height of 6.6 m.

56. Permission for reconstruction of a building hall in R.S.No.1488/4/Part, Dabhoi near Baroda Gate, Dabhoi, Distt. Vadodara submitted by Smt. Anitaben Naanakram Vajani, Bhagol, Dabhoi, Vadodara (F.No.24/33/2009-M)

The proposal is for reconstruction of a hall having maximum height of 7.92 m excluding parapet wall at a site located at a distance of 38 m from the protected limit of Baroda Gate, Dabhoi in District Vadodara. The height of the monument is 10 m. The existing building at the site is 7 m from the ground level.

Surrounding situation and appropriation height of the existing building near the monument

Open plot & Resi bldg., GF (ht 4 mts)
Road & Comm. Bldg. GF & GF+1 (ht 4 to 7 mts)
Road & Comm. Bldg. GF & GF+1 (ht 4 to 7 mts)
Nala (Drain), Rly line & huts (ht upto 4 mts)

Surrounding situation and approximate height of the existing building near by proposed construction

Open land
Open land & Main road
Railway line, Nala(Drain) & monument (ht upto 10.00 m)
Road, Open land & Resi bldg., GF & GF+1 (ht 3 to 6 m)

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended construction of the building as proposed by the applicant subject to the height restriction of 7.00 m i.e. extant height of the existing building. It was desired that the ASI may allow the construction accordingly.

57. Permission for reconstruction of residential building in C.S.No.1648, Dwarka near Dwarkadhish Group of Temples with its outer compound wall, S.No.1607, 1608 & 1609, Dwarka, Taluka Okha Mandal, District Jamnagar, Gujarat submitted by Shri Dhirenghai Natvarlal Thakar (Self & P.O.A.H) of Smt. Hariben Natvarlal Thakar & others, near Dwarkadhish Temple, Dwarka. (F.no.24/87/2009-M)

The proposal relates to reconstruction of a residential building near Dwarkadhish Group of Temples at a site located at a distance of 5 m from the compound wall of the protected monument. The height of the existing building is 5-9 m. The proposed

construction height is 9.60 m excluding parapet wall and mummy. The construction site falls in the prohibited area of the monument.

Surrounding situation and approximate height of the existing buildings near the monument

Main entrance, road, comm. & Resi bldgs., GF & GF+1 & 2 (ht 4 to 9 m)
Adj. comm. & resi. bldg. GF & GF+1 (ht 4 to 7 m)
Adj. Shardapith bldg. GF & GF+1 (ht 5 to 9 m)
Road & resi bldg. GF & GF+1 & 2 (ht 4 to 10 m)

Surrounding situation and approximate height of the existing buildings near by proposed site of construction

Resi bldg GF+2 (ht upto 9 m)
Resi Bldg. GF+2, Road (ht 5 to 9 m)
Resi. Bldg GF+2, Road & monument (ht 9 to 38 m)
Resi. Bldg. GF+2 (ht 5 to 9 m)

SA, Vadodara Circle gave a power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that ASI may allow re-construction of the building upto the maximum height of 9.00 m since the view of the monument shall not be obstructed any more because the area is already dotted with a large number of buildings.

58. Permission for reconstruction submitted by Chairman, Cama and Nahar Association, 1, First Floor, Cama Commercial Centre, opp. New Court, Mirzapur Road, Ahmedabad-380001. (F.no.24/133/2009-M/24/58/2008-M)

Applicant has submitted that considering the following points –

1. There is a big building besides Rani Roopvati Mosque known as “Mirzapur Rural Court Building”.
2. The Rani Roopvati Mosque but opposite side of the Mosque where big height building is already existing namely ‘Nahar Commercial Centre’.
3. One 30 m wide main Roadies Passing and after that premises are existing for the issue of NOC.

The proposal is for construction of commercial building in the prohibited area of Rani Roopvati Mosque at Ahmedabad. The site of two construction blocks falls in the prohibited area of the monument at distance of 44 m (Block-D) and 76 m (Block-C). The proposed height of the buildings is 15 m excluding parapet wall, mummy, lift room and OHWT.

Surrounding situation and appropriation height of the existing building near by monument

North: Court Bldg. (ht upto 22 m)
South: Road & Resi bldg. G+2& 3 (ht 10 to 12 m)
East: Road & Resi/Comm. Bldg. GF+ 2 , 3 & 7 (ht 10 to 24 m)
West: Adj. many resi Bldg. GF+1, 2& 3 (ht 8 to 12 m)

Surrounding situation and approximate height of the existing building near by Proposed construction

North:	Bldg "C"-GF+2 (ht 4 to 7 m) Bldg "D"- Road , G+1, G+7 (ht 7 to 22 m)
South:	Bldg "C"-Road G+1, G+7 (ht 7 to 22 mts) Bldg "D"- GF, G+1 (ht 4 to 7 m)
East:	Bldg "C" – GF, G+1 (ht 4 to 7 m) Bldg "D"- GF, G+1 (ht 4 to 7 m)
West:	Bldg "C"- Road & Court bldg. (ht upto 22 m) Bldg "D"-GF, Road & Open Land (ht 4 m)

The proposal was examined by the Expert Advisory Committee on 22nd January 2009 for construction of commercial building in the prohibited area near Rani Rupavati's Mosque, Ahmedabad. The proposal had been rejected.

The applicant has again made an appeal to the DG, ASI for grant of permission for construction.

SA, Vadodara Circle gave a fresh power point presentation on the proposal with the help of area map, photographs and drawings explaining the ground conditions. Google Earth images of the area comprising the building already constructed were also shown.

Decision

The Committee recommended that the ASI may reject the proposal submitted by the applicant since the proposed construction is likely to damage the sky-line and ambience of the monument.

DELHI CIRCLE

59. Request for review of the decision of the EAC dated 22.8.2008 and for personal hearing in regard for application dated 23.6.2008 for permission to use and construct 75% covered area as permitted under the Master Plan 2021 for the Property No. J-13, Green Park (Main), New Delhi. (F.No.24/170/2008-M / 24/147/2008-M)

The applicant had appealed to DG, ASI to allow him to go for horizontal expansion i.e. 70% of 750 sq.m as the FAR permitted as per the MPD-2021, while undertaking reconstruction of the building. Shri Kapila had accordingly been permitted for construction of the second floor upto the maximum height of 12.35 m as per the recommendation of the Committee in its 12th meeting held on 11.2.2008. The applicant now wants to reconstruct the building upto the height of 12.35 m instead of adding up the second floor for which permission was accorded so that he is able to avail the full benefit of coverage and FAR as permitted under the MPD-2021 and MCD bye-laws. He has thus requested to allow him to reconstruct the building afresh upto the maximum height of 12.35 m.

SA, Delhi Circle had explained the background of the case and ground conditions with the help of area map, photographs, drawings and Google Earth image in the Expert Advisory Committee meeting held on 24.7.2008. The Committee had recommended that the ASI may out rightly reject the appeal since it is the third time the applicant has approached the ASI with additional request. While on first occasion he was permitted for construction of first floor where as on second time his request for construction of second floor was also. Now he wants to demolish of the entire building and re-construct it with horizontal expansion as per MPD-2021. The Committee felt that once he is permitted for re-construction what is the guarantee that he will not again approach for some other relief. The Committee was of the opinion that his request may be rejected by the ASI. The applicant had accordingly been conveyed the decision.

The applicant once again approached DG, ASI with the plea that since the Master Plan 2021 allows coverage upto 75% of the 750 sq.mtr area, he may be given permission to avail the same while undertaking construction upto the permitted height i.e. 12.35 m above the road level.

However, the said request was rejected without citing any reasons by the competent authority on 22.8.2008.

The applicant has now requested for a review of the decision and for grant of permission to cover the 75% of 750 Sq.m as per permitted FAR under the Master Plan 2021. It has been reiterated that the building existing on the said plot was constructed about 50 years ago. Subsequently, there have been numerous modifications with respect to the rules and regulations pertaining to the coverage, FAR and building bye laws. In accordance with the Master Plan 2021, the covered area permitted on each floor is 75% of 750 Sq.m, whereas in the present case the applicant is only covering 40% of the area. Further, the permission sought is in regard to the horizontal expansion of the building and as such will not affect the height of the building which will remain under 12.35 m in accordance with “No Objection Certificate” granted earlier. Such construction would also be in consonance with Master Plan 2021 as the FAR (horizontal) permitted is 75% of 750 Sq.m.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

The Committee deliberated upon the FAR as per MPD-2021 and concluded that there does not appear to be adequate justification as submitted by the applicant for reconstruction of the existing building after demolition to avail increased FAR, as far as possible. They recommended that the request of the applicant may be rejected by the ASI.

The applicant has again requested DG, ASI to review the decision and allow him to re-build the building afresh as per MCD bye-laws maintaining the height so permitted i.e. 12.35 m.

Decision

The Committee recommended that the ASI may reject the fresh appeal made since the reasons cited are not convincing. It was also desired that the ASI may frame a set of broad guidelines for consideration of cases relating to construction in the prohibited area of the monuments.

60. Construction of Auditorium & Seminar Hall at Gargi College, New Delhi. (F.No.24/177/2008-M)

Principal, Gargi College has proposed to construct Auditorium and Seminar Hall which have the sanction of DDA. The College’s request for grant of permission for construction to Delhi Circle was rejected in May, 2008. The Principal has now appealed to Director General, ASI and has advanced the following justification –

- (i) The construction is within the College campus and is only an addition to an existing structure.
- (ii) Its distance from compound wall is the same as other existing structures within the campus.
- (iii) The nearest monument is the wall of the Siri Fort. This wall lies almost 2 meters under the ground.
- (iv) The DDA Sports Complex is situated within the Siri Fort Complex.
- (v) Some of the structures of the DDA Sports Complex do not have a set back of 100 meters as per the norms. In fact, a few structures are actually abutting the Siri Fort wall.

- (vi) The College is undertaking construction building as per the sanctioned plans of DDA. The ongoing construction is an extension of an existing structure and is parallel in location to other structures adjacent to the compound wall.
- (vii) The College is a non-profit institution of Higher Education managed by Govt. of NCT of Delhi. It is a constituent College of the University of Delhi. It is one of the most prestigious colleges of South Delhi and offers education in arts, commerce and science as well as a number of professional, career oriented courses. Women empowerment is its mission with an aim to send out of our portals young women adults who are competent to take up leadership positions in their chosen fields and are also sensitized enough to engage in welfare activities for the underprivileged. The new auditorium will be highly enabling in the fulfilment of our mission. It has, in fact, been a long-standing dream of the staff and students of Gargi College.
- (viii) The auditorium is an expansion of existing seminar hall. It has been designed especially to cater to the physically disabled, not only as audience, but also for performance. In fact, it is commitment of the College to the Chief Minister of Delhi (who laid the foundation stone) to inaugurate the auditorium with a performance by the disabled.

SA, Delhi Circle has informed that the construction has already started and the ground floor is already complete. Delhi Circle had issued notice to the Principal, Gargi College on 11.4.2008 and had also requested on 24.4.2008 to stop the unauthorized construction and apply to ASI for grant of permission. But, the construction activities have continued. Again on 22.7.2008, another notice was issued to stop the construction followed by notice for removal of unauthorized construction on 17.10.2009. SA has informed that the site falls in the prohibited area of Siri Fort wall at a distance of 61 m. The proposed Auditorium is to be built upto the maximum height of 14.80 m with 2.70 m deep basement.

SA has furnished following details in respect of ground conditions –

North: Siri Fort Road
South: Open land and Siri Fort Wall
East: College Staff Quarter with 8m height
West: Main building of College having 15m height.

SA, Delhi Circle had made a detailed presentation on the proposal in the meeting held on 26.5.2009 with the help of area map showing the height of the existing buildings in the vicinity, Google Earth images, photographs and drawings.

The Committee had expressed surprise that despite being an educational institution of repute, the authorities have not responded to the notices issued by ASI. It desired that SA, Delhi Circle may issue another notice to the Principal to stop the construction and also seek explanation for starting the construction without obtaining any permission from ASI. The Committee had desired that after the receipt of explanation of the College Principal, Director General, ASI may take appropriate action in the matter.

SA, Delhi Circle informed the Committee that Gargi College has submitted an explanation.

Decision

The Committee taking note that buildings within the College premises already exist closer to the monument observed that allowing construction of the Auditorium shall not cause any adverse impact on the ambience of the monument. The Committee also expressed that there is a real requirement for an auditorium attached to the educational institution. It was recommended

that the ASI may permit construction of the auditorium as proposed and regularise the part construction already carried out at the site. The Committee also recommended that the College authorities should plant trees to camouflage the proposed Auditorium. It was, however, desired by the Committee that College authorities may, however, be warned not to indulge in such type of violation of rules in future.

61. Request of Smt. Rajni Malhotra for construction at Property No.U-40, Green Park Main, New Delhi-110016 (F.No.24/29/2009-M)

The applicant, Smt. Rajni Malhotra had applied for construction of building at Property No. U-40, Green Park Main. Applicant wants reconstruction in the prohibited area of centrally protected Sakri Gumti.

The proposal was rejected vide letter of even number dated 19-11-2008 since the property is located in the prohibited area of Sakri Gumti, a centrally protected monument at a distance of 91m.

Now, the applicant has appealed before the Director General, Archaeological Survey of India on 29-12-2008 and informed that her building is in dilapidated condition and if immediate permission for construction is not granted it would lead to serious repercussions including causing accident and physical harm to the street users. She wants to reconstruct the building upto the height of 15m. She has also mentioned that construction of building with 15m (49.20feet) height with basement would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 9.50m to 11.50m height
South	Colony Road and residential building 14m height
East	Colony and residential building with 10.50m height
West	Service lane and residential building with 9.50m to 12.50m height

A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction upto the maximum height of 15 m with basement.

62. Request of Smt. Madhu Gupta (Self and on behalf of other co-owners) for addition/alteration in the existing building at Property No.4853-4854, Ward No.XI, situated at Harbans Singh Lane, 24, Darya Ganj, New Delhi. (F.No.24/14/2009-M)

Applicant wants addition/alteration in the prohibited area of a centrally protected monument.

The applicant, Smt. Madhu Gupta (self and on behalf of other co-owner) had applied for addition/alteration in the existing building at Property No. 4853-4854, Ward No. XI situated at

Habrans Singh Lane, 24, Darya Ganj, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal was rejected since the property is located in the prohibited area of City Wall, a centrally protected monument at a distance of 33m.

The applicant has appealed to the Director General, Archaeological Survey of India on 01-01-2009 stating that there are many existing structures around her property comprising ground +three floors with basement having height of above 15mts. He has also informed that permission for Property No. 4843/24, Ansari Road, Darya Ganj, New Delhi which is located at a distance of 11m from the protected monument was granted by the Archaeological Survey of India and if permission for addition/alteration in the existing building at Property No. 4853-4854, Ward No. XI situated at Habrans Singh Lane, 24, Darya Ganj, New Delhi is granted upto 15m height it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 18m height
South	Service lane and residential building 20m height
East	Residential building with 15m to 17m height
West	Colony Road and residential building with 15m to 18m height

A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the applicant may be granted permission for addition/alteration in the existing building subject to the condition that the height of the existing building shall not be raised over and above 15 m by the ASI considering that the area is thickly populated and a large number of buildings already exist close to the monument as well as the site of construction.

63. Request of Shri Rajeev Gupta, Sanjay Gupta and Smt. Maddhur Suddan Gupta for construction at Plot No. J-25, NDSE-I, New Delhi (F.No.24/16/2009-M)

Applicant wants to undertake reconstruction in the prohibited area of Tomb of Kale Khan, a centrally protected monument.

The applicant, Shri Rajeev Gupta, Sanjay Gupta and Smt. Madhur Suddan Gupta had applied for construction of building at Property No. J-25, NDSE-I, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 14-11-2008.

The proposal was rejected as the property is located in the prohibited area of Tomb of Kale Khan, a centrally protected monuments at a distance of 87m.

The applicant has appealed to the Director General, Archaeological Survey of India on 04-02-2009 enclosing the few photographs of the site showing that view of the monument shall not be affected even if permission is granted to him for construction of building having 15m (49.20feet) height with basement. The applicant has informed that similar permission had been granted to J-30, NDSE –I by the ASI on 20-08-2008, which is 55m from the monument whereas his property is 87m from the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building 12.50m height
South	Residential building with 12m to 15m height
East	Service lane and residential building 12.50m height
West	Colony road and 9.50m to 14m height

A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may permit construction of the building upto the maximum height of 15 m with basement subject to the condition that the plinth area of the proposed building must remain at par with the existing building. The recommendation was made keeping in view the fact that the entire area is dotted with buildings and the fresh construction proposal is not likely to cause any adverse effect on the visibility of the monument or the sky-line available.

64. Request of Shri Anil Kapoor and others for additional height at Property No.A-7, Hauz Khas, New Delhi. (F.No.24/21/2009-M)

The applicant, Shri Anil Kapoor and others had applied for additional height at Property No. A-7, Hauz Khas, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 16-03-2001.

During the inspection, it was observed that the building consisting of ground, first and second floors has a height of 11.27m (37feet) as per the sanctioned plan. The distance between the property and protected limit of Nili Masjid, a centrally protected monument is 1.25m.

Permission has been issued vide letter of even number dated 19-10-2001 by Delhi Circle for reconstruction of building upto 11.27m (37feet) height from ground level upto parapet wall as per the building which existed at that time.

Now, the applicant has appealed before the Director General, Archaeological Survey of India on 01-01-2009 that addition of third floor partly on the terrace leaving 6 feet 6 inches wide open space all along the monument side on the terrace. The height of the proposed construction is 13.26m (43.5feet) from the ground level upto the top.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 12.50m to 15m height
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South	Main Road
East	Lane and monument
West	Residential building with 14.50m height

A lane exists in between the monument and the property.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the proposal to increase the height of the building should be rejected by the ASI since the site is located just adjacent to the monument.

65. Request of Shri C. Krishnan, Smt. Geeta Krishnan and Smt. Valsamma Thomas for construction at Property No.A-68, South Extension Part-I, New Delhi-110016 (F.No.24/25/2009-M)

Applicants want to undertake reconstruction in the prohibited area of Tomb of Bare Khan, a protected monument.

The applicants, Shri C. Krishnan, Smt. Geeta Krishnan and Smt. Valsamma Thomas had applied for additional height **at Property No. A-68, South Extension Part-I, New Delhi** in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal was rejected since the property is located in the prohibited area of Tomb of Bare Khan, a centrally protected monument at a distance of 77m.

Now, the applicants have appealed to the Director General, Archaeological Survey of India on 12-02-2009 and informed that the building is dilapidated and they are afraid if immediate permission for reconstruction is not granted it could lead to accident and physical harm to the street users. If permission for construction at Property No. A-68, South Extension Part-I, New Delhi upto 15m height is granted it would not affect the view of the monument since similar permission has been granted to others by the Archaeological Survey of India.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and residential building with 12.50 m height.
South	Residential building with 12.50m height
East	Residential building with 10.50m to height
West	Residential building with 10.50m to 13.50m height

A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for re-construction of the house upto the maximum height of 15 m subject to the condition that the applicant shall not

increase the existing plinth area of the building. The recommendation was made keeping in view the fact that the entire area is dotted with buildings and the fresh construction proposal is not likely to cause any adverse effect on the visibility of the monument or the sky-line available.

66. Request of Shri Nitesh Jain, for renovation/additional/alteration at property No. Plot No.1, Street No.5, Sarvapriya Vihar, New Delhi (F.No.24/17/2009-M)

Applicant wants to undertake reconstruction/ construction/ addition/ alteration/ renovation in the prohibited area of centrally protected Bijay Mandal.

The applicant, Shri Nitesh Jain had applied for renovation/addition/alteration at Property No. Plot No. 1, Street No. 5, Sarvapriya Vihar, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 04-07-2008.

The proposal was rejected since the property is located in the prohibited area of Bijay Mandal, a centrally protected monument at a distance of 88m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 23-02-2009 and has informed that a building is already existing and plans were sanctioned for additional /alterations on 23-04-1997 from MCD. The existing building is built upto 2nd floor. If permission for renovation / addition/ alteration with provision of lift at Property No. Plot No. 1, Street No. 5, Sarvapriya Vihar, New Delhi upto the existing height is granted it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and residential building with 12.50m to 15m height
South	Road with residential building with 10m to 12.50 m height
East	Residential building with 10m to 15m height
West	DDA market with 5m to 9m height

SA, Delhi Circle has informed that the owner had started the repair and renovation but he was issued show cause notice followed by notice for removal of unauthorized construction.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for renovation / addition/ alteration at the property with provision of a lift subject to the condition that the height of the existing building shall in no condition be raised any further.

67. Request of Smt. Savita Bahl, Shri Ashok Bahl and Shri Ajay Bahl for construction at Property No.F-40, NDSE, Part-I, New Delhi-110049. (F.No.24/53/2009-M)

Applicant wants to carry out reconstruction in the prohibited area.

The applicant, Smt. Savita Bahl, Shri Ashok Bahl and Shri Ajay Bahl had applied for construction at Property No. F-40, NDSE Part-I, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 12-03-2008.

The proposal was rejected since the property is located in the prohibited area of Tomb of Kale Khan, a centrally protected monument at a distance of 78m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 03-02-2009 and 07-07-2009 informing that since his property is surrounded by multi-storeyed buildings with 9m to 15m height, permission for construction of building upto 3rd floor with machine room/ mumty having height upto 15m with basement would not affect the view of the monument.

SA, ASI, Delhi Circle has furnished following details explaining the ground conditions –

North	Service lane and residential building with 9.50m to 15m height
South	Main road
East	Residential building with 9.50m to 17m height
West	Residential building with 9.50m to 15m height

A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for re-construction of the house upto the maximum height of 15 m with basement subject to the condition that the applicant shall not increase the existing plinth area of the building. The recommendation was made keeping in view the fact that the entire area is dotted with buildings and the fresh construction proposal is not likely to cause any adverse effect on the visibility of the monument or the sky-line available.

68. Request of Managing Director, DMRC Ltd., Metro Bhawan, 13, Fire Bridge Lane, Barakhamba Road, New Delhi-110001 for commercial development on plot No.8, Jantar Mantar Road. (F.No.24/49/2009-M/ 24/163/2008-M)

DMRC has approached DG, ASI for grant of permission for construction of an office building on Plot No.8 near Patel Chowk Underground Metro Station and tunnel. It has been informed that the office building is an important component of DMRC's Property Development Programme.

The proposal is for construction of a commercial building with a maximum height of 50 m along with 9.65 m deep basement. The nearest point of the plot line is 160m away from the protected limit of Jantar Mantar and the actual site of proposed construction is located in the second regulated area i.e. beyond 200mts. from the protected limit. Since Superintending Archaeologist is not empowered to issue permission for the construction of building beyond 50 m height in the 2nd regulated area, the proposal has been forwarded to the Director General for consideration.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road
South	Ansal residential complex with 15m height

East	Jantar Mantar Road and building with 12.50m height
West	Lane and Jeevan Vihar Bldg. with 20m height (approx.)

He further informed that the comments of Director, Nehru Planetarium was sought on the proposal since the monument under consideration is an astronomical observatory. The Director has stated that the location under consideration, is at an Azimuth of about 200 degrees relative to the southern Ram Yantra (which would be the worst effected) and would be at an altitude of about 11 degrees as viewed from inside the southern Ram Yantra. In its maximum southward swing, the Sun is not present at this range of altitude and Azimuth and its visibility will not be affected by the proposed building, from the observatory. In its maximum southward swing, the Moon is placed just a little above the region of the sky that would however, be obstructed by the proposed building.

The Committee opined that DMRC may approach the Director, Nehru Planetarium to get a detailed study conducted on after construction effects on Jantar Mantar, if ASI agrees to allow construction of 50 m high huge construction in the second 100 m of the regulated area of Jantar Mantar. The decision on the appeal made was deferred.

The DMRC authorities have reiterated that Nehru Planetarium has already given its recommendations on the proposal which may be duly considered. DMRC has subsequently sought details under RTI Act, for delay in grant of permission.

Decision

The Committee reiterated the recommendation made earlier and desired that the DMRC may approach the Director, Nehru Planetarium for a detailed study and after construction effect if the ASI grants permission for a 50 m high commercial building.

69. Request of Shri Yash Pal Batra, H 1/12, Hauz Khas, New Delhi for additional/alteration of existing building at Property No.H 1/12, Huaz Khas, New Delhi. (F.No.24/54/2009-M)

The applicant, Shri Yash Pal Batra had applied for construction for additional/alteration of existing building at Property No.H 1/12, Hauz Khas, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 06-12-2008.

The proposal was rejected since the property is located in the prohibited area of Nili Mosque, a centrally protected monument at a distance of 75m.

Now, the applicant has appealed to Director General, Archaeological Survey of India on 28-02-2009 and informed that during the last 30 years his family has expanded more than double and such more rooms are required urgently for residential use by the family. Existing building is already built upto 14.1m height including mumty. Therefore, the applicant has requested to grant permission for addition/ construction in the 2nd floor and construction of 3rd floor with 15m height since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road and residential building with 12.50m to 15mheight
South	Residential building with 12.50m height
East	Residential building with 12.50m to 15m height
West	Gali and residential building with 6m to 10m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for re-construction of the house upto the maximum height of 15 m subject to the condition that the applicant shall maintain the existing plinth area of the building. The recommendation was made keeping in view the fact that the area is dotted with buildings and the fresh construction proposal is not likely to cause any adverse effect on the visibility of the monument or the sky-line available.

70. NOC for construction of District Court Complex at Saket submitted by Executive Engineer (C), Building Project Electrical Division – B/143, PWD, Distt. Court Complex, Saket, New Delhi (F.No.24/88/2009-M)

Executive Engineer (E), Building Project Electrical Division –B/143, PWD, District Court Complex, Saket, New Delhi has already been granted permission for construction of a building in first regulated area of Satpula, a centrally protected monument upto 15m height.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 09-03-2009 and informed that the Court Complex is being provided with 100% electricity back-up with silent DG sets. These DG sets will have the exhaust aluminum pipes and these pipes as per the Pollution Control Board norms have to go 4-5 m higher than the building.

Therefore, the applicant has requested for exemption in height for installation of DG set exhaust stack (chimney) upto 20m, as a special case since the above site is located across the Press Enclave Road and will not obstruct the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Main road and monument
South	Under-construction Court building with 37m height
East	Road and buildings with 15m height
West	Road and District Centre Saket with 15m-37m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that permission for construction of chimney upto the height beyond 15 m as per the norms of Pollution Control Board may be granted subject to the condition that the chimney should be constructed next to the main building along its wall.

71. Grant of permission for re-construction at Property No.291, Basti Hazrat Nizamuddin Aulia, new Delhi submitted by Shri Shabbir Vali Akku, Sabilul Khair Trust, 291, Basti Hazrat Nizamuddin Aulia, New Delhi. (F.No.24/71/2009-M)

SA, Delhi Circle has submitted that this is the same property which is known as Lal Mahal and the owner has already demolished the existing residential structures with the intention to reconstruct a new building. Delhi Circle, ASI has issued show cause notice for the unauthorized demolition/ construction since the property falls in the prohibited area of Bara Khamba, a protected monument. Applicant wants to take up reconstruction /construction/ addition/alteration in the prohibited area of centrally protected monument.

The applicant, Mr. Shabbir Vali Akku, SPA for Sabilul Khair Trust had applied for reconstruction of building at Property No. 291, Basti Hazrat Nizamuddin Aulia, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal was rejected since the property is located in the prohibited area of Bara Khamba, a centrally protected monuments at a distance of 22m.

Again the applicant, M/s Sbilul Khair Trust through its Attorney, Mr Shabbir Vali Akku applied for reconstruction of building at Property No. 291, Basti Hazrat Nizamuddin Aulia, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle on 21-07-2009. He was again informed that his proposal has already been rejected.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 25-03-2009 that since permission has already been grant by the ASI for 6, Devi Bhawan, Basti Hazrat Nizamuddin, 4/843/24, Ansari Road, Darya Ganj and A/10, Nizamudidn East, New Delhi the applicant may be granted permission for the construction at Property No. 291, Basti Hazrat Nizamuddin, New Delhi upto the height of 16.61m from ground level upto mumty/machine room with 1.83m basement below the ground level.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Park and monument
South	Road and residential building with 10m to 15m height
East	Residential –cum –commercial buildings with 12.50m to 17m height
West	Residential building with 12.50m to 17m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the proposal should out rightly be rejected by the ASI.

72. Permission of NOC for construction at Property No. A-77, Malviya Nagar, New Delhi submitted by Shri R.K. Gupta and Shri D.K. Gupta. (F.No.24/69/2009-M)

The applicant, Shri R.K. Gupta and Shri D.K. Gupta had applied for construction at Property No A-77, Malviya Nagar, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 26-11-2008.

Since the site of proposed construction falls in the regulated area of Sarai Shahji, a centrally protected monument at a distance of 183m, the permission for construction / addition/alteration in the existing building upto 15m with 2.896m (9.5feet) basement was granted by Delhi Circle.

Now, the applicant has appealed before the Director General, Archaeological Survey of India on 18-03-2009 and informed that as per his observation the actual distance is more than 200m. In addition, there are many other buildings in surrounding area in between the property and monument. Therefore, the applicant has requested to grant permission for construction of machine room on the terrace floor beyond 15m height since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Service lane and residential building with 9m to 12.50m height
South	Road and residential building with 12.50m to 15m height
East	Residential building with 12.50m height and Main Road
West	Residential building with 10.50m to 15m height

There are many houses and road between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The request for increase in the height to accommodate machine room beyond 15 m height was not accepted by the Committee. It was recommended that the ASI may reject the proposal.

73. Permission for re-construction at Property No.105, Masjid Moth Village, New Delhi submitted by Shri Ravi Gupta. (F.No.24/72/2009-M)

The applicant, Shri Ravi Gupta had applied for construction at Property No 105, Masjid Moth village in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal was rejected since the property is located in the prohibited area of Moth ki Masjid, a centrally protected monument at a distance of 2.50m

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 27-03-2009 enclosing a few photographs of the site showing that the view of the monument would not be affected even if permission is granted to him for construction of the building upto the height of 14.32m (47feet) consisting of ground, first and second floors with mummy.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Village Road
South	Residential building with 10m to 12m height
East	Residential building with 10m to 12m height
West	Masjid Moth Monument

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee after having looked at the power-point presentation explaining the ground conditions recommended that the proposal may be rejected since the construction is proposed at a distance of 2.50 m from Moth-ki-Masjid which shall obstruct the view of the monument and its ambience.

74. Issue of NOC for the Development of work at Satpullah Lake Complex submitted by Executive Engineer, South Eastern Division-5, DDA, Sarita Vihar, New Delhi.(F.No.24/62/2009-M)

The applicant wants to develop the lake on the northern side of Satpullah, a centrally protected monuments. The works proposed include, development of water body, pathway and walking way, pump house for horticulture purpose, entry plaza, food court, construction of fish deck, rain shelter, etc. besides raising the boundary wall parallel to Press Enclave road and other development works as per the drawings submitted. The site for development falls partly in prohibited and partly in the regulated area of Satpullah.

SA has stated that the Executive Engineer, South Eastern Division-5, D.D.A Sarita Vihar, New Delhi has submitted a composite proposal to develop a Lake Complex near Satpullah, a centrally protected monument. The proposal includes development of water body, pathways, walking way and construction of pump house for horticulture purpose, entry plaza (gateways), food court, fish deck, rain shelter and raising of boundary wall parallel to Press Enclave road and other miscellaneous development works as per drawing submitted. As per the proposal, the amphitheatre and boundary wall fall in prohibited area of Satpullah. Other proposed constructions fall in the regulated and beyond regulated area of Satpullah.

SA, Delhi Circle has informed that remains of Jahan Panah wall exist, on either side of Satpullah.

DDA authorities made a detailed presentation on the proposal with the help of drawings.

Decision

The Committee observed that the proposal comprises two main components i.e. (i) Existing lake and the monument (ii) Modern facilities. They opined that the proposal for development is basically a conservation related project and hence needs to be looked into accordingly in greater detail and not in isolation at all because of the very special nature of the monument. They recommended that detailed documentation of the monument, lake and the fortification wall needs to be carried out followed by archaeological investigations. The Committee recommended that the ASI may not accept the proposal in present form and apprise the DDA with the observations of the Committee.

75. Permission of NOC for reconstruction at Property No.E-36, Panchsheel Park, New Delhi submitted by Shri Ajit Singh Bawa. (F.No.24/121/2009-M)

SA, Delhi Circle has informed that a team of officials had visited the property under reference for detailed documentation but the tenant of the property did not allow the officials to take photographs of the property. He has requested that the matter may not be taken up for consideration in this meeting.

However, Delhi Circle has conveyed that the owner would be contacted to either provide the photographic documentation of the property as well as the surroundings or the officers of ASI be allowed to do the same.

SA, Delhi Circle explained that after the ground survey and detailed documentation, the power-point presentation would be made in the next meeting of the Committee.

Decision

The case was deferred.

76. Permission for laying of peripheral water line on the command Of UGR & BPS at Sarai Kale Khan, New Delhi submitted by Delhi Jal Board, Govt. of NCT of Delhi (F.No.24/122/2008-M)

Delhi Jal Board has proposed to lay water pipeline on its command along Mathura Road near Sabz Burj, Isa Khan's Tomb, Bara Khambha, Arab-ki-Sarai and Khan-i-Khana's Tomb besides Barapullah bridge, all centrally protected monuments. The pipe line is to be laid in the prohibited area of the protected monuments – as per details here under –

- (a) Sabz Burj : 23 m and 32 m.
- (b) Arab-ki-Sarai : 39 m.
- (c) Isa Khan's Tomb : 95 m.
- (d) Khan-i-Khana's Tomb : 60 m and 40 m.
- (e) Barakhambha : 35 m.
- (f) Barapullah Bridge : 0 m. The pipeline is proposed to be laid through one of the arches of the bridge-under the bed of the nallah.

As per the schematic drawing submitted by DJB, it is observed that the pipeline shall be laid across, Mathura Road on the west as far as Isa Khan's Tomb, Sabz Burj, Arab-ki-Sarai and Khan-i-Khana's Tomb are concerned. In respect of Bara Khambha the pipeline shall be laid on the south of Lodi Road nearer to the monument. At Barapullah bridge, the pipeline shall be laid through one of the arches of the monument. On perusal of the papers submitted it was found that the DJB has not submitted the details of the trenches to be excavated for laying the pipe line. The dimension of the trenches has also not been submitted. In so far as Barapullah Bridge is concerned, the details in respect exact location of the trench/pipeline have not been submitted.

In 10th November, 2008 the Committee in its meeting had observed that MCD and PWD, Govt. of NCD Delhi have also to execute works like RUB and elevated road in close vicinity of Barapulla Bridge and now DJB has to lay pipeline through the Bridge. On earlier occasions, the Committee had given go ahead to both the agencies under certain terms and conditions. They, therefore, recommended that it is now essential that all the three works are merged and shown in an integrated drawing to evaluate the overall situation. The members desired that the DJB should re-work on the route to take the pipeline away towards north of Barapulla Bridge in such a manner that the Bridge is totally avoided to make sure that the foundation of the Bridge is not at all affected. They desired that Delhi Jal Board may resubmit the proposal afresh to the ASI.

The Delhi Jal Board authorities have submitted the fresh proposal incorporating the advice of the Committee, as informed by SA, Delhi Circle.

Decision

The Committee after having looked into the fresh proposal desired that the ASI may formally grant permission for laying the water pipe lines as proposed. However, it was also desired that all precautions should be taken by DJB for the safety of the monument while execution of the work in consultation with ASI.

77. Addition/alteration/construction up to the second floor in property N-125, Panchshila Park, New Delhi submitted by Shri Suman Dubey. (F.No.24/97/2009-M)

The applicant has applied for addition/alteration / construction of building at Property No. N-125, Panchshila Park, New Delhi to the DG, Archaeological Survey of India 12-05-2009 and informed that his house is within 100m of Siri Fort Wall, a centrally protected monument. Prior to the formulation of 100m rule, a large number of houses in Panchshila Park were built up to full three floors. Even more recently, some houses in closer proximity to the Fort Wall than his property have been permitted to build upto three floors.

The applicant has requested that to meet the growing needs of family, permission may be granted for construction of second floor upto 10.98m from ground level upto parapet wall since it would not obstruct the view of the monument

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and residential building 15m height
South	Residential building 10m height
East	Residential building 9.50m height
West	Colony road and residential building 12.50m height

There exist a row of houses and road between the property and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for adding up the second floor upto the maximum height of 10.98 m from ground level may be granted.

78. Permission of NOC for under-ground multi-level Car Parking at Shahid Park (BSZ Marg near Kotla Ferozshah) submitted by Executive Engineer PR(CZ), Municipal Corporation of Delhi, Asaf Ali Car Parking, New Delhi. (24/108/2009-M)

The applicant, Executive Engineer(PR), City Zone, MCD, Asaf Ali Road Car Parking Delhi had applied for construction of under ground multi-level Car Parking at Shahid Park, BSZ Marg, near Kotla Ferozshah, New Delhi with 4.50 m height above the ground level and 10.825 m below the ground level to Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal was rejected since the property is located in the prohibited area of Kotla Feroz Shah, a centrally protected monument at a distance of 12m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India for reconsideration of this case for NOC because this is one of the important projects for Commonwealth Games, and it should be completed before the Commonwealth Games.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road and park
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South	Commercial building with 15m to 17m height
East	Monument
West	Bahadur Shah Zafar Marg

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map, Google Earth images, photographs and drawings.

Decision

The Committee desired that the MCD should submit a detailed plan showing the boundaries of the monument, Shaheed Park and other features for perusal of the Committee. It was also expressed by the Committee that the site of the proposed parking needs to be investigated archaeologically to ascertain whether any structural remains are buried under the surface. The Committee suggested that the MCD should undertake GPR survey of the site to find out the structural remains. The need for undertaking Archaeological Impact Assessment was also stressed keeping in view the closeness of the site from the protected monument.

79. Permission of NOC for commercial building at Plot No.A-1, Saket District Centre, Saket, New Delhi submitted by Shri Deepak Banerjee, DLF Retail Developers Ltd., DLF Centre, Sansad Marg, New Delhi. (F.No.24/100/2009-M)

The applicant, M/s DLF Retail Developers Limited, DLF Centre, New Delhi had applied for construction of building at Plot No. A-1, Saket District Centre, Saket Place, New Delhi for service apartment, office block and hotel block.

Delhi Circle issued the permission for construction of buildings upto the maximum height of 30m since the site of proposed construction is located in second regulated area of Khirki Masjid, a centrally protected monument at a distance of 289m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 13-05-2009 stating that permission has already been granted for construction upto 30m height but it falls short of requirement of the project. DDA is the nodal development agency for Saket District Centre which has been developed in accordance with the Master Plan of Delhi (Both 2001 and 2021). It has been informed that on the adjoining the plot, which is closer to Khirki Mosque, permission has already been granted upto the height of 37m. The applicant has informed that the view of the monument shall not be affected even if permission is granted for relaxation of height for construction of hotel block upto 36.75m height from ground level upto the top.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Commercial building with 37m height
South	Open land
East	Road and District Court building with 37m height
West	Commercial building with 15m to 37m height

Buildings and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the proposal for regularizing the building already constructed needs to be rejected since notices were issued when the construction was being undertaken unauthorizedly and the applicant did not stop the construction work and approach the ASI for permission.

80. Permission of NOC for construction at Property No.A1/91, Panchsheel Enclave, New Delhi submitted by Mrs. Prem Nath, T-25/8, DLF City, Phase III, Gurgaon. (F.No.24/122/2009-M)

The applicant, Mrs. Prem Nath had applied for construction of building at Property No. A-1/91, Panchsheel Enclave, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. But, the proposal was rejected since the property is located in the prohibited area of Lal Gumbad, Chirag Delhi, a centrally protected monuments at a distance of 34m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 26-05-2009 that there is a service road used for parking of the vehicles by the residents , boundary wall and park. Besides, a row of houses already exist having height of 13m-15m and permission for another residential building at A-1/88, Panchsheel Enclave was granted by the ASI. Both the owners of the building are senior citizens and wish to complete the building to be able to generate some income for their old age by renting the part of the building for residential use only while residing in remaining part. The applicant has stated that the view of the monument shall not be affected even if permission is granted to him for construction of building upto 13.22 m height including staircase mummy.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Service lane, open area and monument
South	Colony road and residential building 12.50m height
East	Residential building 12.50m height
West	Residential building with 6.50m to 15m height

A road exists between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto a maximum height of 13.22 m (including stair-case/mummy) considering that the area is dotted with modern buildings and no adverse effect is likely to be caused to the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

81. Permission for construction at Property No.B-53, NDSE-I, New Delhi submitted by Shri Krishan Kumar Malik. (F.No.24/103/2009-M)

The applicant, Shri Krishan Kumar Malik had applied for construction of building at Property No. B-53, NDSE –I, New Delhi in the Office of the Superintending Archaeologist,

Archaeological Survey of India, Delhi Circle. But, the proposal was rejected vide letter of even number dated 27-05-2009 since the property is located in the prohibited area of Bhure Khan Tomb, a centrally protected monument at distance of 49m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India and informed that in the vicinity of the said tomb and property their already exist buildings that are above 15m height. Therefore, the applicant has requested to grant permission for construction of building upto 15m alongwith basement since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and residential building with 12.50m to 15m height
South	Service lane and residential building with 12.50m to 15m height
East	Residential building with 12.50m to 15m height
West	Residential building with 12.50m height

There exist a row of houses and road between the property and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 15 m along with basement considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused to the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

82. Refurbishment/modification of existing boundary wall and providing 2.8 m high RBT/Barbed Wire fencing in Siri Fort Sports Complex for security reasons. (F.No.24/166/2008-M)

The Executive Engineer, Commonwealth Games, Division no. 7, DDA, Sarita Vihar, New Delhi had applied for construction of security perimeter wall around Badminton & Squash Competition venue for Commonwealth Games-2010 to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The proposal is for providing 2.8m high fencing along Siri Fort Wall for the length of about 500m between the boundary wall of Smanway Sadan and existing boundary wall of Siri Fort Sports Complex. The vertical angle iron posts will rest in shallow deep foundations of upto 45cm to 60cm depth with supporting barbed wire/ RBT fencing. It is also proposed that 1.25mm thick MS sheet will be provided on both sides of existing grill fencing for achieving the height of 2.80m above ground level without any digging or fresh construction. It is further submitted that over this fencing 1.5m 'Y' shaped iron angle support will be provided for the concertina coil.

The DDA officials also explained that the basement permitted needs to be provided with ducts having height upto 2.5 m for ventilation for which ASI's permission is required.

The applicants have also mentioned that the ASI has accorded permission for installation of watch tower within the complex along with the boundary wall but Police Department required 2mx2mx3m high cabins at a height of 6m for these watch towers placed at a distance of 50-70m (centre to centre) Such type of ready –built watch towers are not available and have to be erected at site using steel members of 75x75x8mm size. To keep such structures in place against wind pressure, it is essential to provide shallow deep foundations for at least four legs of each towers at the site to provide bare minimum anchorages on the ground. It shall be observed that the towers are erected at a reasonable distance from the wall as per plan submitted.

DDA authorities made a detailed presentation on the proposal with the help of area map, Google Earth images, photographs and drawings.

Decision

The Committee made following recommendations in respect of each component of the proposal –

- (i) The barbed wire fencing to be raised by DDA shall have to be removed after the Commonwealth Games, 2010 are over.
- (ii) Sensitivity not to be lost sight off while undertaking plantation.
- (iii) The ASI needs to be involved in providing barbed wire fencing, especially while digging pits to fix the angle iron/poles.
- (iv) The work of fencing should commence at the site not prior to six months from the day the Commonwealth Games 2010 begins.
- (v) The permission for providing ducts for basement upto the height of 2.5 m from the ground level could be permitted by the ASI.
- (vi) The request regarding erection of watch towers was accepted as a special case considering the practical difficulties. However, it was desired that the digging of pits for accommodating the legs of the towers should be carried out in close of supervision of Delhi Circle of ASI.

83. Permission of NOC for reconstruction and addition at Property No.A-60, Nizamuddin East, New Delhi submitted by Dr. S.P. Agarwal, Dr. Sarita Agarwal and Dr. Tushar Agarwal. (F.No.24/112/2009-M)

The applicants, Dr. S.P. Agarwal, Dr. Sarita Agarwal and Dr. Tushar Agarwal had applied in Form –VII for reconstruction and addition in the existing building at Property No. A-60, Nizamuddin East, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle on 14-07-2009. But, the request was turned down for the reason that the reconstruction has been proposed in the prohibited area of Humayun’s Tomb at a distance of 57 m.

The applicant has appealed to the Director General, Archaeological Survey of India and informed that the property is in extremely old and dangerous condition and not fit for habitation and require urgent reconstructions/ addition, etc. The adjoining houses are three storeyed and other houses in the vicinity in the same lane , back lane and houses around the park in front of the houses are three to four storeyed. Therefore, the applicant has requested for grant of permission for reconstruction and addition upto 15.90m from ground level upto mumty with 1.85m basement since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road and residential building with 15m height
South	Residential building with 13.50m height
East	Road and park
West	Service lane and residential building with 12.50m to 15m.

There exist row of houses and road between the property and the monument

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 15 m along with basement considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused either to the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

84. Permission of NOC for construction of building at Property No.64, Amrit Nagar, New Delhi submitted by Shri S.R. Sehgal. (F.No.24/113/2009-M)

The applicant, Mr. S.R. Sehgal had applied for construction of building at Property No. 64, Amrit Nagar, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Bare Khan Tomb, a centrally protected monument at a distance of 64m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India stating that the monument is very close the to Shopping Complex of D and C Blocks having high-rise residential houses of South Extension Part-I and 5 storeyed buildings with basement in Amrit Nagar. The applicant is 75 years old and have no other source of income. The applicant has stated that the view of the monument would not be affected even if permission is granted for construction of building with basement at Property No. 64, Amrit Nagar, New Delhi upto the height of 14.85m, consisting of ground, first and second floors with parapet wall.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building 8m height
South	Residential building 15m height
East	Road, parking and residential building 12.50m to 15m height
West	Service lane and residential buildings with 12.50m height

A row of houses and road exist between the monument and the property.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 14.85 m with basement (including parapet wall, mumty, etc.) considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused either to the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

85. Appeal for reconstruction of residential building at Property No.B-4, Nizamuddin, New Delhi submitted by Smt. Nila Mehta. (F.No.24/117/2009-M)

The applicant, Mrs. Nila Mehta had applied for reconstruction of building at Property No. B-4, Nizamuddin East, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of south wall of Humayun's Tomb, a centrally protected monument at a distance of 37m.

The applicant has now appealed to the Director General, Archaeological Survey of India stating that the property is almost 50 years old and is in dilapidated condition. Due to expansion of family, he is unable to accommodate his family in the house. There are many neighbouring buildings already constructed with 30-35feet height. The applicant has informed that the view of the monument would not be affected even if permission is granted for reconstruction of the building at Property No. B-4, Nizamuddin East, New Delhi upto 13.23m height from ground level upto mumty.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and park and monument
South	Service lane and park
East	Residential building 12.50m height
West	Residential building with 14m height

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 13.23 m (upto mumty) considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused to either the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

86. Permission for reconstruction of residential building at Property No.B-163, East of Kailash, New Delhi submitted by Mrs. Jasbir Kaur, SPA for Miss Surinder Kaur (F.No.24/134/2009-M)

The applicant, Smt. Jasbir Kaur, SPA for Miss Surinder Kaur had applied for reconstruction of residential building at Property No. B-163, East of Kailash, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle 13-03-2007. The proposal was

rejected since the property is located in the prohibited area of Ashokan Rock Edict, a centrally protected monument at a distance of 22m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 06-08-2009 and informed that her family needs have increased and to accommodate the family he has to reconstruct the building. In the back, adjoining and front, houses have already been constructed upto 3-4 storeyed. Therefore, the applicant has requested to grant permission for reconstruction of building upto 15m alongwith basement since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 10.50m to 12.50 height
South	Main Road
East	Residential building with 9.50m to 15m height
West	Residential building with 15m to 17m height

There is a main road between the property and the monument

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 15 m with basement considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused to either the monument or to the skyline any further. It was, however, impressed upon that while granting permission a condition should be imposed that the applicant shall maintain the plinth area of the existing building and would not expand the area in any manner.

87. Permission for addition/alteration of existing building at A-20, Green Park, New Delhi submitted by Shri M. Shafi Goroo, Mymoona Begum, Atta Mohd. Goroo, Mrs. Saira Shafe Goroo and M/s Atsar Exports (P) Ltd. (24/127/2009-M)

The applicant, Shri M. Shafi Goroo, Mymoona Begum, Atta Mohd. Goroo, Mrs Saira Shafe Goroo and M/s Atsar Exports (P) Ltd. had applied for addition/alteration in the existing building at Property No. A-20, Green Park, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Dadi or Poti ka Gumbad, a centrally protected monument at a distance of 46m.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 15-06-2009 and informed that there already exist buildings that are above 15m height between the property and monument. Therefore, the applicant has requested to grant permission for construction on remaining space on second floor upto 12.42m height since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road and residential building with 12.50m height
South	Residential –cum-commercial building with 15m height

East	Masjid with 15m height
West	Road, park and monument

There exist a road and park between the property and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction on remaining area of the second floor upto the maximum height of 12.42 m considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused either to the monument or to the skyline any further.

88. Request of Property No.C-67, Shivalik, Malviya Nagar, New Delhi for relaxation in height of the proposed construction. (F.No.24/38/2009-M, 24/42/07-M)

The applicant, Shri D.D. Gossain through its Attorney Shri Gulshan Narula had applied for relaxation of height for the construction at Property No. C-67, Shivalik, Malviya Nagar, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 54m.

The permission was granted on 20-12-2007 for construction of the structure at the site upto the maximum height of 12.50m. The applicant has now applied for increase in height from 12.50m to 17.27m from ground level upto machine room.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 12.50m height
South	Residential building with 12.50 height
East	Residential building with 12.50 height
West	Residential building with 12.50 height

Rows of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may reject the proposal. The applicant may be asked to stick to the permission already granted.

89. Permission for construction of third floor upto a height of 15 m at property No.C-57, Shivalik Colony, Malviya Nagar, New Delhi submitted by Shri Sachin Gera. (F.No.24/65/2009-M)

The applicant, Shri Sachin Gera had applied for construction of third floor upto a height of 15m at Property No. C-57, Shivalik Colony, Malviya Nagar, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle.

The property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 45m.

The matter is clubbed with other cases of Shivalik in Writ Petition no. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the Petitioners.

Now, the applicant has appealed before the Director General, Archaeological Survey of India with the request that since his property is surrounded by multi-storeyed buildings with 9m to 15m height, similar permissions have been given for nearby buildings of the locality. If permission for construction of building upto 3rd floor with machine room/ mummy with a height of 15m from ground floor is granted it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 12.50m height
South	Open land.
East	Road and residential building with 12.50m height
West	Main road and residential building with 10m height

A row of houses and road exist between the monument and the property.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may reject the proposal since any further increase in the height of the building shall mar the view of the monument.

90. Permission of NOC for construction at Property No.C-10, Shivalik, Malviya Nagar, New Delhi submitted by Dr. Ashok Gupta. (F.No.24/79/2009-M)

The applicant, Dr. Ashok Gupta had applied for construction at Property No. C-10, Shivalik, Malviya Nagar, New Delhi the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 87m.

The applicant again requested for grant of permission on 14-11-2008 since the matter was clubbed with other cases of Shivalik area in Writ Petition no. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the petitioners.

The applicant has appealed to the Director General, Archaeological Survey of India on 24-03-2009 and informed that the adjacent plot has been given permission for construction. Therefore,

the applicant has requested to grant permission for construction of 2nd and 3rd floors in the existing building upto 16.192 m height along with 2.247 m deep basement below the ground level since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 10m to 15m height
South	Colony road and residential building with 12.50m to 15m height
East	Residential building with 10m height
West	Main road

Rows of houses and a road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for addition of 2nd and 3rd floors over the existing building upto the maximum height of 15 m considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused either to the monument or to the skyline any further.

91. NOC for construction at Plot No.C-107, Shivalik, New Delhi submitted by Shri Vishnu Kumar, 1459, Sector A, Pocket B, Vasant Kunj, New Delhi. (F.No.24/91/2009-M)

The applicant, Shri Vishnu Kumar had applied for construction on vacant Plot no. C-107, Shivalik, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 65m.

The matter relates to Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of petitioners (Plot Nos. 1,21,24,46,54,75,83,84,85,90,91,107,116,121 in Block –C, Shivalik, New Delhi) for grant of NOC. The decision of the committee shall be placed on record by the respondent with an additional affidavit before the next date of hearing.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 06-04-2009 and has requested that the view of the monument would not be affected even if permission is granted to him for construction of building upto 18.03m height from ground level upto machine room alongwith 1.83m basement.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Colony road and residential building with 12.50m height
South	Residential building with 10.50m height
East	Main Road

West	Residential building with 11m to 12.50m height
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A row of houses and road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for the construction of the building upto the maximum height of 15 m with basement considering that the area is already dotted with modern buildings since no adverse effect is likely to be caused to either the monument or to the skyline any further.

92. NOC for construction of building at Property No.C-103, Shivalik, New Delhi submitted by Shri Sanjay Kanal (F.No.24/92/2009-M)

The applicant, Shri Sanjay Kaul had applied for construction/addition/alteration at Property No. C-103, Shivalik, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected vide letter of even number dated 27-03-2009 since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 20m.

The matter is clubbed with other cases of Shivalik area in Writ Petition no. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the petitioners.

Now, the applicant has appealed to the Director General, Archaeological Survey of India for grant of permission for construction of second floor which is partly built upto 10.36m from ground level since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 9.50m to 12.50m height
South	Residential building with 7m to 14m height
East	Service lane and residential building with 10m height
West	Road and park

There is a road and park between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction on remaining area of the second floor upto the maximum height of 10.36 m considering that the area is already dotted with modern buildings upto almost similar height and as such no adverse effect is likely to be caused either to the monument or to the skyline any further.

93. NOC for construction of building at Property No.C-105, Shivalik, New Delhi submitted by Shri N.H. Samthani (F.No.24/93/2009-M)

The applicant, Shri N.H. Samtani had applied for construction/addition/alteration at Property No. C-105, Shivalik, New Delhi to Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 31m.

The matter is clubbed with other cases of Shivalik in Writ Petition no. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the petitioners.

Now, the applicant has appealed to the Director General, Archaeological Survey of India and has requested for grant of permission for construction/addition/alteration of building upto 8.98m height from ground level upto mumty (addition of first floor over the existing ground floor) since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 12.50m heigh
South	Residential building with 7m to 14.50m height
East	Residential building with 10m to 12.50m height
West	Road, park and monument

There is a road and open land between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may permit for undertaking construction of first floor over the existing single storied building upto the maximum height of 8.98 m including mumty.

94. NOC for construction of building at Property No.C-97, Shivalik, New Delhi submitted by Smt. Bala Anand, Sh. Vikas Anand (F.No.24/94/2009M)

The applicant, Smt. Bala Anand had applied for construction at Property No. C-97, Shivalik, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle on 19-11-2008. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 38m.

The matter is clubbed with other cases of Shivalik area in Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the petitioners.

Now, the applicant has appealed before the Director General, Archaeological Survey of India on 17-04-2009 and has requested for grant of permission for the construction of building with 12.649m height from ground level upto mumty mentioning that if permission is granted to him, it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 14.50m height
South	Residential building with 14.50m height
East	Service lane and residential building with 12.50m height
West	Road and Park

There is a row of houses and road between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for reconstruction of the building upto the maximum height of 12.649 m from the ground level upto mumty considering that no adverse effect is likely to be caused either to the monument or to the skyline any further since a number of buildings already exist in the area around the site of construction.

95. Permission of NOC for construction of building of Property No.C-91, Shivalik, New Delhi submitted By Shri I.M. Bajaj. (24/96/2009-M)

The applicant, Shri I.M. Bajaj had applied for construction at Plot No. C-91, Shivalik, New Delhi in the Office of the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 31m.

The matter is related to Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of Petitioners (Plot Nos 1,21,24,46,54,75,83,84, 85,90,91,107,116,121 in the Block –C, Shivalik, New Delhi) for grant of NOC. The decision of the committee shall be placed on record by the respondent with an additional affidavit before the next date of hearing.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 12-05-2009 and requested that the view of the monument would not be affected even if permission is granted to him for construction of the building having 15m height from ground level upto mumty alongwith 1.80m basement.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Vacant plot and residential building with 10m to 12.50m height
South	Residential building with 9.50m to 12.50m height
East	Road
West	Service lane and residential building with 12m height

There is a row of houses and road between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the building upto the maximum height of 12.50 m from the ground level (including mumty) with basement considering that no adverse effect is likely to be caused to either the monument or to the skyline any further since a number of buildings already exist in the area around the site of construction.

96. Permission of NOC for construction of building at Property No.C-102, Shivalik, New Delhi submitted By Shri H.S. Rekhi (F.no.24/123/2009-M)

The applicant, Shri H.S. Rekhi had applied for reconstruction at Property No. C-102, Shivalik, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 11m.

The matter is clubbed with other cases of Shivalik area since in Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of Petitioners.

Now, the applicant has appealed to the Director General, Archaeological Survey of India and has requested for grant of permission for construction upto 10.36m height from ground level upto mumty since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 7m height
South	Residential building with 10.50m to 14.50m height
East	Residential building with 11m height
West	Road and park

There is a road and park exist between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for reconstruction of the building upto the maximum height of 10.36 m from the ground level upto mumty considering that no adverse effect is likely to be caused to either the monument or to the skyline any further since a number of buildings already exist in the area around the site of construction. It was, however, desired by the Committee that a condition should be impose while granting the permission that the applicant shall not increase the plinth area more than the existing building while undertaking reconstruction.

97. Permission of NOC for construction of building at Property No.C-66, Shivalik, Malviya Nagar, New Delhi Submitted by Mrs. Santosh Gulati. (F. No. 24/131/2009-M)

The applicant, Mrs. Santosh Gulati had applied for construction at Property No. C-66, Shivalik, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The proposal was rejected since the property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 68m

The matter is clubbed with other cases of Shivalik since the matter is related to Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of Petitioners.

Now, the applicant has appealed to the Director General, Archaeological Survey of India on 22-06-2009 and informed that permission for C-67, Shivalik, New Delhi has been granted by the Archaeological Survey of India and the view of the monument would not be affected if the permission for construction of the building upto 14.62m from ground level upto mumty is granted.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Residential building with 12.5m height
South	Residential building with 12.5m height
East	Road
West	Open land and residential building with 9.5m to 12.50m height

There are two rows of houses and a road between the property and monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of reconstruction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for reconstruction of the building upto the maximum height of 14.62 m from the ground level upto mummy considering that no adverse effect is likely to be caused to either the monument or to the skyline any further since a number of buildings already exist in the area around the site of construction. It was, however, desired by the Committee that a condition should be imposed while granting the permission that the applicant shall not increase the plinth area more than the existing building while undertaking reconstruction.

98. Permission of NOC for construction at Property No.C-11, Shivalik, Malviya Nagar, New Delhi submitted by Shri Ashok Aggarwal. (F.No.24/137/2009-M)

The applicant, Shri Ashok Aggarwal had applied for construction at Property No. C-11, Shivalik, Malviya Nagar, New Delhi to the Superintending Archaeologist, Archaeological Survey of India, Delhi Circle. The property is located in the prohibited area of Sarai Shahji, a centrally protected monument at a distance of 86m. SA, Delhi Circle has accordingly rejected the proposal.

The matter is clubbed with other cases of Shivalik since the matter is related to Writ Petition No. 18393/2005-Rehabilitation Ministry Employees Cooperative House Building Society Ltd. Shivalik Vs Archaeological Survey of India. The High Court has directed that the Expert Advisory Committee of the Archaeological Survey of India shall examine the cases of the petitioners.

Now, the applicant has stated that his adjacent plot has been given permission for construction. Therefore, the applicant may also be granted permission for construction of second and third floors upto a height of 14.33m from ground level upto top over the existing structure since it would not affect the view of the monument.

SA, Delhi Circle has furnished following details explaining the ground conditions –

North	Road and residential building with 15m height
South	Residential building with 10m to 15m height
East	Residential building with 10m height
West	Main Road

Rows of houses and a road exist between the site of proposed construction and the monument.

SA, Delhi Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of the second and third floors over the existing building upto the maximum height of 14.33 m considering that the area is already dotted with modern buildings and no adverse effect is likely to be caused to either the monument or to the skyline any further.

PATNA CIRCLE

99. Request of Shri Shamim Ahmed for addition at Property No.154, Muhalla Dhalgarh Tola, Jaunpur. (F.No.24/27/2009-M)

The proposal is for addition of two rooms flanking the centrally placed single room on the second floor for residential purpose. The distance from the protected limits is 22.80 m (Prohibited Area). The height of the monument (outer gate of the Fort) is 15 m and that of the proposed construction 11 m. Height of construction around the monument is 3 m to 10 m. The surrounding buildings are of 3 m to 13 m high. Superintending Archaeologist, Patna Circle had denied permission for additional construction over the second floor.

ASA, Patna Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may not grant permission for any further construction at the existing building since the monument is located just across the road.

100. Request of Shri Brahma Shankar Tripathi for construction of a Hotel building Arazi No.1034, 1035 & 1036 at Moh. Vishunpur Vindwaliya, Kushinagar. (F.No.24/24/2009-M

The applicant has applied for construction on plot nos. 1034, 1035 & 1036 in village Vishunpur Vindwaliya at Kushinagar (U.P.)

Distance from the protected limits

Boundary wall – 95 m (Prohibited area)

Structure – 110 m (Regulated Area)

Height of the monument is 23.00 m.

Height of the proposed construction is 6.75 m plus parapet wall (0.90 m)

Mumty (2.70 m)

Height of construction around the monument is 7 m (approximately).

SA, Patna Circle has granted NOC for the construction of the main structure having ground floor along with mumty and parapet. Permission for boundary wall was not granted as it was in prohibited area as per the powers delegated.

ASA, Patna Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that it is essential to undertake GPR survey around the protected area to ascertain whether structural remains exist under the surface. It was also recommended that the ASI may acquire the land around the protected monument for development purposes and also to ensure that no construction is carried out by the land owners in future. The Committee was of strong view that the Government of Uttar Pradesh should prepare Master Plan for Kusinagar and other similar sites like Sravasti, Sarnath, etc. DG agreed to take up the matter with the Chief Secretary of Government of Uttar Pradesh.

The Committee desired that the permission already accorded for construction of ground floor to the applicant by Patna Circle should be withdrawn.

BHUBANESWAR CIRCLE

101. Permission for construction activity in Kedareswar Mouza of Thana- Chondwar, Dist. Cuttack, Orissa by OSHB. (F.No.24/148/2008-M)

The site for construction of HIG, MIG and LIG houses and underground reservoir falls in the protected area of Ancient Site at Choudwar in District Cuttack spread in an area of 1600 acres. Many modern structures exist within the protected area. The distance between the excavated remains and the site of construction is about 566 m. SA has not recommended the proposal.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee desired that the proposal may be rejected by the ASI since the site of construction falls in the protected area.

102. Permission for construction of house on the land near Bhaskareswar Temple, Bhubaneswar by Shri Sanatan Das (F.No.24/97/2008-M)

Shri Sanatan Das has appealed to DG, ASI informing that when he applied to BDA for approval of plans for construction of a house on the site which was allotted to him by BDA in 1989, he was informed that his plot partly falls in the prohibited area of Bhaskareswar temple, a protected monument. The exact distance between his plot and the monument has not been indicated. The construction proposed is double-storeyed with mumty and parapet wall having an approximate height of 10 m. He has stated that a number of buildings already exist around his plot and the proposed construction is not likely to affect the safety, appearance and maintenance of the monument.

SA, Bhubaneswar Circle has informed that the site of construction falls in the prohibited area of Bhaskareswar Temple at a distance of 84.4 m. The applicant proposes to construct a building having maximum height of 7.62 m (ground and first floors). SA has informed that the plot where the construction is proposed is surrounded by residential buildings, mostly single and double-storeyed and has thus recommended that permission could be granted for construction.

Dy. SA, Bhubaneswar Circle gave a power-point presentation on the proposal with the help of photographs, area map, Google Earth image and drawings before the Expert Advisory Committee on 30.3.2009. The members of the Committee had desired to know as to when was the last permission granted by ASI in the prohibited area of Bhaskareswar Temple as per the recommendation of the Expert Advisory Committee. They were of the opinion that Bhubaneswar Circle should mark the plot on an area map where the construction has been proposed and also those plots for which the Expert Advisory Committee has recommended grant of permission in earlier meetings. It was also desired by them that the height of existing buildings around the plot and the protected monument should be indicated on an area/locality map.

SA, Bhubaneswar Circle made a fresh detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission to the applicant for construction of a building having maximum height of 7.62 m.

103. Permission for construction of building in Plot No.RP-3 under Baragarh Plotted Development Scheme, Tankapani Road, Bhubaneswar submitted by Shri Abhya Kumar Ray. (F.No.24/124/2008-M)

The applicant has appealed to the DG, ASI for grant of permission for construction at the plot which had been allotted to him by Bhubaneswar Development Authority. He had been refused permission for construction by BDA since the plot falls in the prohibited area of Bhaskareswar temple.

SA, Bhubaneswar Circle has informed that the construction site is located at a distance of 29 m thus falling in the prohibited area of Bhaskareswar temple. The applicant intends to construct a residential building having a height of 7.62 m comprising ground and first floors. SA has informed that the plot is surrounded by single and double storied buildings and hence has recommended that permission for construction could be given.

Dy. SA, Bhubaneswar Circle had given a power-point presentation on the proposal with the help of photographs, area map, Google Earth image and drawings before the Expert Advisory Committee on 30.3.2009. The members of the Committee desired to know as to when was the last permission granted by the ASI in the prohibited area of Bhaskareswar Temple as per the recommendations of the Expert Advisory Committee. They were of the opinion that Bhubaneswar Circle should mark the plot where the construction was proposed which has been recommended by the Expert Advisory Committee on the area layout plan of the colony approved by the Bhubaneswar Development Authority indicating the height.

SA, Bhubaneswar Circle made a fresh detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee after examining the proposal recommended that the ASI may permit construction of a house on the plot subject to the condition that the construction is not carried out beyond 7.62 m height, comprising ground and first floors only.

104. Appeal for permission for issue of NOC in Plot No.720/1041/1076, BJB Nagar, Bhubaneswar near Rajarani Temple, Bhubaneswar – Regarding. (F.No.24/176/2008-M)

The applicant has requested for grant of permission for construction at the plot which is located along a lane far away from Raja Rani temple. He has informed that residential and commercial buildings exist close to the monument in the lane where his plot falls. SA, Bhubaneswar Circle has informed that the site of construction is 82 m away from the protected monument i.e. Raja Rani temple. The height of the proposed construction is 9.08 m having ground and first floors. He has also informed that the plot is surrounded by residential buildings, mostly single and double storied. A road also passes between the monument and the plot of construction. He has recommended that permission for construction may be granted since the view of the monument is not likely to be affected.

Dy. SA, Bhubaneswar Circle had explained the proposal with the help of relevant documents, area map, site plan of the monument, Google Earth images, photographs, etc. The members had observed that Bhubaneswar Circle has not clearly mentioned that in between the plot of construction and the monument, buildings upto the height of 9.5 m do exist, which may indicate

that the proposed construction in the prohibited area of the protected monument is not likely to adversely affect the monument. They expressed that the ASI may grant permission for construction to applicant subject to the condition that Bhubaneswar Circle makes a categorical mention of height of the existing buildings on each plot on a layout plan of the colony to the DG, ASI which exist between the monument and the site of construction for issuing permission for construction upto the height of 9.5 m.

SA, Bhubaneswar Circle made a fresh presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee after examining the proposal recommended that the ASI may permit construction of a house on the plot subject to the condition that the construction is not carried out beyond 7.62 m height, comprising ground and first floors only.

105. Request for construction of commercial and residential building property at Puri-Orissa near Atharnala Bridge in r/o Shri Prafulla Kumar Mallik and Shri Pradipta Kumar Mallik. (F.No.24/94/2008-M)

The applicant had appealed to DG, ASI to allow him construction of a commercial-cum-residential building at his plot which falls in the prohibited area of Atharnala Bridge. It is at a distance of 50 m from the bridge. His request to Bhubaneswar Circle for grant of permission had been rejected by the SA on 27.5.2008.

SA, Bhubaneswar Circle in his report had stated that there is no building adjacent to the plot. However, some single storeyed and double storeyed buildings exist in front of the plot. The details of the proposed constructions are as under –

- a) Height : 6.7 mtrs. (G+1)
- b) Floor wise area : Ground Floor 3632 sq. ft.
First Floor 3632 sq. ft.

The Committee in its meeting held on 8.9.2008 had observed that the site of construction appears to be part a Nalla. It had felt that such natural features are normally owned by the Govt. whereas the appellant claims that the plot is owned by him. The Committee noted that in the entire depression of the Nalla there is no building in existence. It desired that the ASI may check up with the Revenue authorities the ownership of the plot. The case was accordingly deferred.

SA, Bhubaneswar has since checked with the revenue authorities. The Addl. Sub Collector, Puri has informed him vide his letter dated 6th November, 2008 that the ownership of Hal Plot no.4/1559, Khata No. 244(P) measuring an area Ac.200 dec. has been settled in favour of Sri Pradipta Kumar Mallik vide an order in Appeal case No.325/06 of the then Settlement Officer, Cuttack. During previous settlement the classification of the land was “Pokhari” and this classification has been converted to Kisam Gharabari (Head stead). The incorporation of the term “Gharabari” in the record of right is by virtue of the order dated 6th July, 2007 passed in Appeal Case No.325/2006. The Addl. Sub Collector, Puri had also intimated that in the larger interest of protecting places of antiquity and ancient monuments, the implementation of the order dated 6th July, 2007 passed in Appeal Case No.325/2006 is likely to be stayed and invalidated by the appropriate judicial authority.

The contents of the letter of Addl. Sub Collector forwarded by SA, Bhubaneswar Circle were read out before the Committee. The Committee recommended that the ASI may reject the

request of the applicant since no other structure exists between the monument and the site of construction or even in its vicinity. It also noted that the nomenclature of the land is 'Gharabari' whereas the applicant wants to raise a commercial-cum-residential building at it. It was felt that the proposed construction will disturb the ambience of the monument and hence the request of the applicant deserves to be rejected. The decision of the Committee was conveyed to the SA, Bhubaneswar Circle.

The applicant has again appealed to DG, ASI for grant of permission for construction of a building at the plot with the plea that he would construct only a residential building and not residential-cum-commercial since the land is Kisam Gharbari.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee reiterated its earlier decision and desired that the ASI may inform the applicant that his request cannot be acceded to.

106. Request of Shri Harman Pal Singh, 96-A, Budheswari Colony, Bhubaneswar for construction of residential building 112/2801, 112/2802, 112/2794, 112/2795, 112/2803, 112/2799, 112/2801, 112/2798, mouza-Jgamara, Bhubaneswar near Khandagiri and Udayagiri Caves, Bhubaneswar. (F.No.24/51/2009-M)

The proposal is for construction of a residential building near Khandgiri and Udaigiri Caves at a site located at a distance of 38.5 m from Khandgiri Hill and 55 m from Udaigiri Hill. The construction is proposed on the vacant plot having maximum height of 15.44 m with basement

SA, Bhubaneswar Circle has submitted that there are so many residential buildings around the monument (Khandagiri Hill) i.e. from the protected limit having height of 7.5m (approx.). A public road is passing around the Khandagiri Hill i.e. protected limit. There are many residential buildings around the proposed construction site. The height of these buildings which are double storied is about 7.5m. Some residential buildings exist on the vacant plots as shown on the site plan towards southern and western sides of the plot. A 20ft. wide public road is passing in front of the plot.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may permit construction of the residential building upto the maximum height of 7.5 m at the site of construction.

107. Request of Smt. Alaka Dash for construction a house for residential purpose at Khandagiri Vihar, Bhubaneswar at Property Plot No.125, Sub Plot no.66, Mouza-Jagamara, Unit No.20, P.S. Khandagiri, DSRO, Bhubaneswar, Dist. Khurda, Orissa. (F.No.24/37/2009-M)

The applicant has proposed for construction of a residential house in the prohibited area of Khandagiri. The proposal is for a double storied building having a height of 32 ft. It has been claimed that a large number of buildings already exist in the prohibited area of the monument and no damage shall be caused if she is also allowed to undertake the construction.

SA, Bhubaneswar Circle has submitted that there are so many residential buildings around the monument (Khandagiri hill top) i.e. from the protected limit having heights of 7.5m (approx.). A public road is passing around the Khandagiri hill i.e. protected limit. The distance of the site of construction from Khandagiri Caves is 65 m. Many residential buildings are already in existence around the proposed construction. The height of buildings are about 7.5m. Some existing residential buildings and vacant plots are shown on southern and western sides of the plot. A 20 ft. wide public road is passing in front of the plot.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of a double storied residential building having ground and first floors on the plot subject to the condition that the height of the building shall not be more than 32 ft.

The Committee also observed that a Master Plan of the Khandagiri and Udaigiri Caves area needs to be prepared by the Town and Country Planning Department of the Government of Orissa keeping in view the heritage character of the area. The DG, ASI agreed to take up the matter with the Chief Secretary, Govt. of Orissa.

108. Permission for construction of building at Churangarh Fort, Barang, Cuttack District submitted by Orissa Industries Ltd. (F.no.24/45/2009-M)

The proposal is for construction of buildings under a Housing Project in the prohibited area of Churangarh Fort. The protected area has many modern constructions including a refractory unit and Baranga railway station. Public roads have also been laid within the protected area quiet close to the site proposed for construction of structures. A part of the protected area is owned by Orissa Industries Ltd.

Applicant has submitted that 29.26 acres of land, under MZ-Dadhapatna, Barang, P.S. Cuttack Sadar, Dist. Cuttack about 10 acres of land has already been utilized for the refractory unit as well as staff and labour colony, since 1944. Rest of the land, about 19 acres, are free and open for the development of housing project. Orissa Industries Ltd. has to relocate the existing unit at any suitable industrial zone to make it pollution free area and to develop a plan for the housing project, in phased manner.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The proposal was rejected by the Committee since the construction is to take place within the protected area.

109. Request of Er. Dillip Kumar Biswal for construction a house for residential purpose at Khandagiri Vihar, Bhubaneswar Property Plot No.125/5664, Sub Plot No.82, Mouza Jagamara, unit No.20, Bhubaneswar. (F.No.24/18/2009-M)

The proposal is for construction of a residential house in the prohibited area of Khandagiri Caves at a distance of 82.30 m from the protected limit. The applicant has proposed to construct a double storied building with mummy on the staircase having maximum height of 32 ft.

SA, Bhubaneswar Circle has submitted that there are so many residential buildings around the monument (Khandagiri hill top) i.e. from the protected limit. A public road is passing around the Khandagiri hill i.e. protected limit. Residential Buildings around the proposed construction are in existence. The height of buildings are about 7.5m. Some existing residential buildings and vacant plots are shown on southern and western sides of the plot. A 20 ft. wide public road is passing in front of the plot.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant permission for construction of a double storied residential building having ground and first floors on the plot subject to the condition that the height of the building shall not be more than 32 ft.

The Committee also observed that a Master Plan of the Khandagiri and Udaigiri Caves area needs to be prepared by the Town and Country Planning Department of the Government of Orissa keeping in view the heritage character of the area. The DG, ASI agreed to take up the matter with the Chief Secretary, Govt. of Orissa.

110. Permission for face-lifting/renovation of existing building of ESI Hospital at Plot No.22,25 and 29(P) in Village Kedaeswar, Choudwar in favour of Regional Director, ESI Corporation, Bhubaneswar. (F.No.24/130/2009-M)

The proposal is for renovation, face-lifting and extension of Employees State Insurance Corporation staff quarters having height of 7 m. The site of existing quarters, Housing Board Colony, Labour Colony, State PHD office, a market building, State Circle Jail, etc. fall in the protected area of Choudwar Fort. A few small scale industries are also functioning besides ESIC hospital from the protected area. Public roads also pass through the protected area. SA has informed that ESIC hospital is in existence since 1960 located close to the excavated site at Bodhi (part of the Choudwar Fort). The proposal also comprises extension of certain buildings.

SA, Bhubaneswar Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee desired that Bhubaneswar Circle should come out with clear-cut analysis of the proposal stating very precisely the new constructions, face-lifting of the existing buildings and the buildings to be demolished. The decision on the proposal was deferred.

BHOPAL CIRCLE

111. Request of Shri Mohan Singh Bundela, Madhya Pradesh for NOC for construction of Hotel Rupmati, Village Naugaon, Dhar, M.P. (F.No.24/46/2009-M)

SA, Bhopal Circle has furnished following details on the proposal –

1. The construction of the said hotel was started in February 1995 and not in the year 1991 (i.e. after the imposition of SRO 1764 dt. 16/6/1992) as mentioned by the applicants. In this regard it is also mentioned here that the NOC to Mohan Singh Bundela was issued by Town and Country Planning, Indore through SADA Mandu on 14/2/1995 subjected to condition that the prior permission from the Archaeological Survey of India should be obtained.
2. The owner of the hotel requested this office for grant of permission, received in this office on 28/2/1995 and again in 1998.
3. The distance of the said hotel from the protected area of Gada Shah shop is 27.4 meter in the southeast direction, i.e. the said hotel lies in the prohibited area of Gada Shah Shop. One more thing to be noted is that this office is not concerned about the plan and elevation of this hotel as this hotel is illegally constructed in 1995 within the prohibited area of a protected monument.
4. This office made correspondence several time with the Collector, District Dhar as well as the Chief Secretary, Govt. of M.P. to issue necessary orders for the removal of the unauthorised structure constructed by the owner i.e. Shri Mohan Singh Bundela.
5. When all the attempts failed, there was no other alternative except to approach the court and sue the owners of the hotel. Hence on 26/5/95, this office filed a case (no.219A/95) in the court at Dhar for getting stay order. On 26/5/95, the Hon'ble court, Dhar issued a stay order in favour of the Archaeological Survey of India in this case.
When the stay appeared to be ineffective, this office filed a case of contempt of court against the owners of the hotel. Meantime the construction of hotel completed and the inauguration was held on 20/12/95.
6. The owners of the hotel also filed a case against the Archaeological Survey of India in 1996. The co-owner of the hotel i.e. Shri Parvat ,Singh Chouhan has filed writ petition no.41 05 / 95 in the High Court at Jaba'lpur which is still pending for final hearing.
7. It is not important as how much part of the hotel is visible from the road or from the monument, but the act committed against the rules is important.
8. The distance between the hotel and protected area of Gada Shah Shop is 27.4 meter and not 117 meter as mentioned by the applicant. Hence the construction lies within the prohibited area of the centrally protected monument.
9. As stated earlier, the said hotel was constructed in 1995 and not in 1991 as repeatedly mentioned by the applicant violating the AMASR 1958 and Rules 1959. The question of objecting the said construction in 1992,93 or 94 does not arise, as the same was never constructed in 1991.
10. The said hotel was constructed in 1995, hence the permission from Archaeological Survey of India was essential before starting the construction. The applicant has violated the acts and rules of Archaeological Survey Of India, by the said construction.
11. The construction was not carried out before 16/6/ 1992 hence the objection of the Archaeological Survey Of India is quite justified.
12. The NOCs are being granted in the cases which fulfill the criteria fixed for grant of NOC.
13. The cases pertaining to this issue are pending in the different courts i.e. District Court Dhar and High Court Jabalpur.
14. The Petition No. 9675/2003 was filed in the High Court bench and Indore, by the owner of the hotel for settlement of the issue through compromise. In this case the Hon'ble High Court has given a verdict to settle the matter through compromise if possible. But this is not a case related with financial matter, which can be settled through compromise, as this is the violation of Acts and Rules. Hence the Archaeological Survey Of India has filed its opinion that no compromise can be achieved in this matter.
15. In this regard it is also mentioned that at present out of three cases, pending in trial court, Dhar, two cases i.e. 34 A/200 (34A/2000, Union of India vis Mohan Singh Bundela and others 38 A/2000, Parvat Singh vis Union of India and others) have been decided in the favour of Archaeological Survey of India on 30/11/2004 and the court had given two months time to the owners of the hotel to demolish the whole construction, failing which it

will be the responsibility of the Archaeological Survey of India to demolish the said construction at the cost of the hotel owners.

Aggrieved with the decision of the Lower Court, the owners of the said hotel have filed appeals against both the decisions in the Appellate Court. The Archaeological Survey of India has filed its return in both the appeals.

Meanwhile, as per the directives of the Directorate the owners of the hotel have removed the unauthorized construction carried out in the 100 meters area (prohibited area), which has been conveyed to this office by the concerned Sr. CA.

The contempt filed by the ASI has been dismissed on 09.01.09 by the lower Court and aggrieved with the decision of the Lower Court, the ASI has filed an appeal in District Court vide this office letter No.9343 dt.06.02.09.

SA, Bhopal Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The proposal was rejected since the matter is sub-judice. It was, however, desired that it is necessary to prepare a Master Plan for Mandu identifying the areas to be developed in a planned manner so that the heritage character of the medieval city of Mandu could be retained. DG agreed to take up the matter with the Chief Secretary, Government of Madhya Pradesh.

112. Permission of NOC for renovation of additional room in School Building submitted by Secretary, Faiz-e-Hakimi Trust, Burhanpur-450331 (M.P) (F.No.24/120/2009-M)

The proposal is for extension of the existing School building, which is located in the regulated area of Royal Fort Palace, a protected monument at Burhanpur. The applicant has proposed for construction of third floor on the existing building which is located at a distance of 161 m.

SA, Bhopal Circle has informed that residential buildings exist around the monument with a road in between the protected monument and the site of construction. The present height of the existing building is 8.80 m. There would be an increase of 6.20 m height in the existing building. SA, Bhopal Circle has not recommended the proposal.

SA, Bhopal Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the proposal should be rejected by the ASI since the construction is likely to damage the existing skyline of the monument.

113. Request for construction of Rope-way by Nagar Palika Nigam, Gwalior near Jain Collossi-Ek Pathar-ki-Baoli, Gwalior (F.No.24/37/2007-M)

The proposal was discussed in the EAC meeting held on 18.8.2009 and it was decided that the date for site visit would be fixed by DG, ASI soon, preferably in the first week of September, 2009.

Decision

It was decided that the DG, ASI in company of Prof. Subir Saha and Dr. R.S. Bisht, Members of the Committee and Officers from Hqrs. and Bhopal Circle would visit the site to examine the proposal on 11.9.2009.

Raipur Circle

114. Permission of NOC for 4000 MW Chhattisgarh Ultra Mega Power Project near villages Salka/Khamharia in Tehsil Udaypur of District Surguja in the State of Chhattisgarh submitted by Shri R.K. Jain, Project Incharge. (F.No.24/110/2009-M)

SA, Raipur Circle has informed that M/S Akaltara Power Limited (a wholly owned subsidiary of Power Finance Corporation Ltd – a Government of India Undertaking, “Urja Nidhi”, 1- Barakhamba Lane, New Delhi – 110001) has submitted the proposal for issue of NOC for setting up a coal based 4000 MW Power Plant. The protected monument likely to be affected is Sitabengra & Jogimara Caves at Udaipur in Dist: Surguja of Chhattisgarh State. The proposed project site does not fall within protected/prohibited/regulated area. The distance between the monuments and the project site is 12 Km by road. The crow fly distance is 7 Km. There is a proposal not only for construction of 4000 MW Thermal Power Plant but also for a colony and Ash Disposal Pond. The proposed plant will be constructed in an area of about 2500 acres of land. The work at site is yet to start. The detailed plans for the proposed construction has so far not been finalized. But the height of the proposed chimney will be 275 m high.

A team of ASI officials had a joint inspection of the project site on 13.8.09. Shri Bhagesh Kumar, Site Incharge and Shri Shyam Narayan Singh represented on behalf of M/s Akaltara Power Limited.

After joint inspection, the following observations were made by ASI officials -

The proposed site of the project is located on the left of Bilaspur-Ambikapur road whereas the centrally protected monument of Sitabengra & Jogimara Caves at the foothill of Ramgarh hill. The distance from the Bilaspur-Ambikapur road to the starting point of the proposed project is 8 Km and the distance from the centrally protected monument is 12 kms.

The representatives of M/s APL explained the proposal to the ASI officials here as under -

1. The total area of the proposed plant is 1400 acres located in five villages namely 1) Salka, 2) Khamaria, 3) Sargawana, 4) Rikhi and 5) Numera all are in Udaipur Taluk.
2. The next proposed colony area falls behind the site of main plant area which is 100 acres. The colony area is located in two villages 1) Khamaria (part) & 2) Bhadbhai. The distance from main plant is around 1.50 to 2.00 km from the boundary of the plant. The crow fly distance from colony area to the protected monuments is 8 kms.
3. Further behind the colony area, Ash Pond Disposal Area will come up in area of 1000 acres located in five villages namely 1) Kalcha, 2) Jamdi, 3) Hanumangarh, 4) Kolga and 5) Kalipur
4. 33% of the total project area is proposed for development of green belt as stated by Shri Nitin Bharti of M/s APL.

SA, Raipur Circle has informed that there are a number of ancient mural paintings (wall paintings) and rock cut inscriptions at Sitabengra & Jogimara Caves in Ramagarh hill which may get affected by emission from the proposed plant.

SA, Raipur Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee desired that Environmental Impact Assessment Report should be sought from the applicant. It was also recommended that the ASI may direct the applicant to get a detailed Archaeological Impact Assessment carried out through a reputed agency.

DEHRADUN CIRCLE

115. Construction of Barrage on Gomti River for artificial lake near Baijnath Group of temples, Distt. Bageshwar. (F.No.24/28/2008-M)

SA, Dehradun Circle has submitted that Conservation Assistant, Sub-circle, Almora has informed that construction of the Barrage has already been started by Irrigation Department, Bageshwar and submitted a few Photographs showing construction of Barrage. The Executive Engineer, Irrigation Department, Bageshwar has submitted a detail proposal for construction for barrage on the river Gomti near centrally protected monument i.e. group of temple at Baijnath Distt. Bageshwar to promote tourism in Uttarakhand. Since some construction work of barrage false in the prohibited area of the monument, Dehradun Circle has forwarded the proposal submitted by Irrigation Department to Director General Office. Alongwith the proposal inspection report submitted by Senior Geologist and Chief of Valley Project, Kumaun was also forwarded. In their report they have submitted that a retaining wall is to be constructed along the river on both sides in order to control the flow of lake water within the premises of monument.

The site of the proposed construction of Barrage to form an artificial lake near the Baijnath Group of temples was inspected by the SA, Dehradun Circle. He has informed that -

- i) The proposed site of construction of multipurpose Barrage is about 210 m from the limit of the site (Regulated Area).
- ii) The proposed height of the R.C.C. Barrage is about 4 m from the ground level.
- iii) In the second phase of the project retaining walls are proposed to be constructed on either side of the river bank to control the water level during floods.
- iv) The main object of the project is to form an artificial lake (about 500m of length) to promote tourism in Uttarakhand.
- v) The technical report of senior Geologist has already been submitted to the Directorate along with photographs and drawings etc. vide this office letter No. 2/56-2006-M-181 dated 24-04-07 (By Registered Post).

SA, Dehradun Circle has informed that the proposed retaining wall towards the site should be constructed at least 10 m away from the ancient Ghats. He has further informed that the proposed construction of Barrage will in no way affect the Baijnath Group of temples, a centrally protected monument. SA, Dehradun Circle has recommended for granting permission for the proposed construction in public interest.

SA, Dehradun Circle made a detailed presentation on the proposal with the help of area map showing the height of the existing buildings between the monument and the site of construction, Google Earth images, photographs and drawings.

Decision

The Committee recommended that the ASI may grant necessary clearance for the construction of Barrage on Gomti River for the artificial lake taking into account the recommendations of SA, Dehradun Circle. It was, however, desired by the Committee that the retaining wall should be provided with veneering stones matching to the ones used in the construction of the temples to gel with the ambience. It was also recommended by the Committee that ASI may impose a condition that while providing retaining wall adequate care should be taken not to cover the steps of the Ghats and while finalizing the design of the retaining wall SA, Dehradun Circle should be consulted and the work should be executed in overall supervision of ASI officials.

