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# DELHI DEVELOPMENT AUTHORITY
## (BUILDING SECTION)
### C-1, 1st Floor, Vikas Sadan, New Delhi

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| **Court Name** | **Hon'ble District Court Dwarka, Delhi** |
| **Case Title** | **[redacted] vs. M/s Aar Pee Apartment)** |
| **Case Number** | **CT. CASE NO. 17129/2020** |
| **Panel Lawyer Name** | **Sh. Saurav Bhasin** |
| **Date of Hearing** | **24.05.2025** |

## STATUS REPORT

**In compliance to the order dated 13.05.2025 passed by Hon'ble District Court, Dwarka in the above captioned matter (copy enclosed), the following is respectfully submitted as per the available record of Building Section, DDA:**

A. **Completion plans:** Enclosed herewith is the completion plans of the building (2nd Floor to Terrace Floor) situated at Plot No. 6, District Centre, Janakpuri, New Delhi (Jaina Tower-II), as available in the records of Building Section, DDA. **(Refer Annexure-A)**

B. **Status of Construction:** The most recent inspection of the property was conducted by the field staff of Building Section on 16.05.2025 (between around 11.30 AM to 3.00 PM). During the inspection, the majority of the shops and offices were found closed. Upon inquiry with nearby individuals, no information could be obtained regarding the owners/ occupants of the closed establishments. Consequently, the shutters/ doors of the closed establishments were also counted. As per the inspection report, floor-wise number of constructed shops/ offices on the said plot is as follows:

1. Basement: 32 no. of Shops/ Shutters/doors were found.
2. Ground Floor: 65 nos. of Shops/ Shutters/doors were found.
3. Upper Ground Floor: 38 nos. of Shops/ Shutters/doors were found.
4. First Floor: 34 nos. of offices/shops/ Shutters/doors were found.
5. Second Floor: 31 nos. offices/ Shutters/doors were found.
6. Third floor: 32 nos. office/ Shutters/doors s were found.
7. Fourth floor: 30 nos. offices/ Shutters/doors were found.
8. Fifth floor: 20 nos. offices/ Shutters/doors were found.
9. Sixth floor: 30 nos. offices/ Shutters/doors were found.
10. Seventh floor: 29 nos. offices/ Shutters/doors were found.
11. Eighth floor: 25 nos. offices/ Shutters/doors were found.

Copy of inspection report enclosed as **Annexure-B.**

C. **Complaints and Action Taken:** A chronology of complaints received from the shop owners/ occupants of Jaina Tower-II till date, along with the corresponding action taken by the DDA, is as follows for the Hon'ble Court's kind perusal:

1. Completion/ occupancy certificate was issued to the builder/ auction purchaser of the plot i.e. M/s Aar Pee Apartments Pvt. Ltd. on 26.11.1999 for Building (T.C. Jaina Tower-II) located at Plot No. 6, District Centre, Janakpuri, Delhi. Copy of occupancy certificate is enclosed as **Annexure-C1**.

Publication copy: private individuals names redacted; official names and signatures retained. Source bundle pages 1-4.

2. Subsequent to the issuance of the Completion/Occupancy Certificate, various complaints/requests were received from Smt. [redacted] Smt. [redacted] Smt. [redacted] and Smt. [redacted] The nature of the complaints included allegations of unauthorized construction, violation of building bye-laws, and illegal possession/allotment of spaces by the builder/auction purchaser. Copy of the complaints are enclosed as **Annexure-C2**.

3. Following these complaints, several inspections were carried out by the field staff of the Building Section, DDA and a Show Cause Notice (SCN) was issued to the builder/auction purchaser vide letter no. F22(01)86/Bldg./208 dated 31.07.2003. Copy of SCN is enclosed as **Annexure-C3**.

4. In response to the aforesaid SCN, builder/ auction purchaser submitted reply vide letter dated 18.08.2003, informing that matter was subjudice in the Hon'ble Court of Ms. Madhu Jain, Civil Judge, Delhi in Suit No. 70/2001 titled Janakpuri Jaina Tower Association Vs DDA. The Hon'ble Court had granted the stay order which was in operation and Builder requested to keep the matter in absence till the final decision of court. Copy of letter dated 18.03.2003 and order of Hon'ble Court are enclosed as **Annexure-C4**.

5. Thereafter, various hearing opportunity were given to the builder/ auction purchaser and after seeking legal opinion w.r.t. stay on the property, Sealing cum Demolition (SD) order was issued to the builder/ auction purchaser vide no. F22(01)86/Bldg./251 dated 21.10.2005. Copy of SD order is enclosed as **Annexure-C5**.

6. A letter dated 18.01.2008 was issued to Dy. Director (LM), DDA for the implementation of Sealing cum Demolition order. In response, Dy. Director (LM)WZ scheduled the Sealing cum Demolition programme for 16.04.2008 vide letter dated 28.03.2008. However, the same could not be implemented due to unavailability of Police force. Copy of letter dated 18.01.2008 and 28.03.2008 are enclosed as **Annexure-C6**.

7. Further inspections revealed deviations, leading to issuance of SCNs to the builder and owners/occupants of shop numbers **G-57, G-27, G-59, G-46, G-50F, G-52, G-50C, G-50E, G-56, G-55, G-54, G-48, G-23, HDFC ATM** in Jaina Tower-II at Plot No. 6, District Centre, Janakpuri, Delhi. Copy of SCNs are enclosed as **Annexure-C7**.

8. In response, owner/ occupants of the aforementioned shop nos. and builder submitted the following stay orders passes by Hon'ble Court:

   a) Order dated **27.05.2011**, Suit No. 46/2011 [redacted] Vs M/s Aar Pee Apartments Pvt. Ltd. & DDA) for shop **G-50F. (Refer Annexure-C8)**

   b) Order dated **13.04.2011**, Suit No. 95/2011 [redacted] Vs DDA) for shop **G-57. (Refer Annexure-C9)**

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c) Order dated **20.05.2011**, Suit No. 164/2011 [redacted] Vs DDA & M/s Aar Pee Apartments Pvt. Ltd.) for shop **G-59**. **(Refer Annexure-C10)**

9. A complaint made by Sh. [redacted] received vide registration no. PMOPG/D/2017/0464784 dated 27.09.2017 regarding pending action w.r.t. SCN issued. In response, Director (Building) vide letter dated 20.11.2017 informed Sh. [redacted] that *"Against the SCN, a court case was filed in Tis Hazari Court suit no. 349/2011. On the order dated 21.10.2011 of CJ west Tis Hazari "Accordingly defendants are restrained from sealing or demolishing the suit property or dispossessing the plaintiff forcibly from the suit premises without due process of law till next date of hearing". The matter is sub-judice in nature, hence action shall be initiated as per order of the Hon'ble court"* **(Refer Annexure-C11)**. However, as per the copy of letter provided by M/s Jaina Properties Pvt. Ltd. vide letter dated 05.09.2011, Sh. [redacted] had withdrawn his complaints against M/s Jaina Properties Pvt. Ltd. **(Refer Annexure-C12)**

10. In late 2024, further complaints were received via email from Sh. [redacted] regarding evasive action by DFS, encroachment of refuge areas, and Fire NOC issues in the commercial building namely T.C. Jaina Tower-II, Plot No. 6, District Centre, Janakpuri, Delhi. Copy of complaints are enclosed as **Annexure-C13**.

11. In this regard, a site inspection notice dated 14.10.2024 was issued to the Delhi Fire Service (DFS), Commercial Land Branch, DDA, and the owner/builder of the site under reference for joint site inspection. Accordingly, T.C. Jaina Tower-II, Plot No.-06 at District Centre, Janakpuri, New Delhi- 110058 was inspected by concerned JE(Bldg.) C&I and AE(Bldg.) C&I on 23.10.2024 along with ADO (DFS) wherein no one was present from Commercial Land Branch. However, Basement, Ground, Upper Ground and First floor of the building could not be inspected as the approved floor plans of the same were not available in the record of Building Section, DDA. Copy of inspection notice is enclosed as **Annexure-C14**.

12. Accordingly, Director (DFS) and Secretary (DUAC) were requested vide letter dated 10.12.2024 and reminder letter dated 04.02.2025 to provide the copy of approved completion floor plans specially for Basement, Ground, Upper Ground and First floor of Plot No. 06, (Jaina Tower -II, District Centre, Janakpuri, Delhi as available in their office record. However, the same have not been received till date. **In this regard, M/s Jaina Properties Pvt. Ltd. was also requested vide letter dated 11.10.2019 to provide the copy of completion plan of Plot No. 6, Disst. Centre, Janakpuri as the same was not traceable in the record of Building Section, DDA**. Copy of letters dated 10.12.2024, 04.02.2025 & 11.10.2019 are enclosed as **Annexure-C15**.

13. As per the report of site inspection conducted on 23.10.2024, various deviations/encroachment and misuse were observed in the building beyond completion plan of property in question. **(Refer Annexure-C16)**

14. DFS vide letter dated 22.11.2024 informed that firefighting system such as overhead water storage tank, fire pumps etc were found provided and maintained

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and the refuge area at 1st, 4th and 6th floor was also found totally vacant. **(Refer Annexure-C17)**

15. Further, a representation dated 27.11.2024 was received from the Sh. Rakesh Singal, authorized signatory of Janakpuri Jaina Towers Association, New Delhi (Regd.) regarding stay order dated 16.03.2013 passed by the Hon'ble Court (in suit No. 366/2012) in respect of building T.C. Jaina Tower-II constructed on Plot No. 06, District Centre, Janakpuri, New Delhi. **(Refer Annexure-C18)**

16. DDA is in process of ascertaining the current status of suit No. 366/2012. Further action/s, if any with respect to violation of the lease conditions including misuse of the property as observed during the site inspection will be taken by the CL branch, DDA. **(Refer Annexure-C19)**

17. Meanwhile, Commercial Land Branch, DDA has been requested vide letter dated 28.04.2025 to provide the copy of the completion plans of the property in question, as available in the records of the Commercial Land Branch, DDA. **(Refer Annexure-C20)**

18. There is a need to confirm as to whether there is any stay enforced on the property in question for which departmental actions are under way.

19. **Further:**
    - **I. Necessary action with respect to violation of the lease conditions including misuse of the property as observed during the site inspection will be taken by the CL branch, DDA**
    - **II. Necessary action against unauthorised construction as found during the site inspection dated 23.10.2024 and 16.05.2025 respectively, shall be taken as per Delhi Development Act, 1957 by Building section, DDA, upon receipt of the status of stay on the property in question.**

D. <u>Action Regarding Lost Documents</u>: With respect to the lost documents (completion/sanction plans of the basement, ground, upper ground, and first floor), following steps were taken trace or reconstruct the completion plans:

1. M/s Jaina Properties Pvt. Ltd. was requested **vide letter dated 11.10.2019** to provide the copy of completion plan of Plot No. 6, Disst. Centre, Janakpuri. **(Refer Annexure-D1)**
2. Director (DFS) and Secretary (DUAC) were requested vide letter dated 10.12.2024 and reminder letter dated 04.02.2025 to provide the copy of approved completion floor plans specially for Basement, Ground, Upper Ground and First floor of Plot No. 06, (Jaina Tower -II, District Centre, Janakpuri, Delhi as available in their office record. **(Refer Annexure-D2)**
3. Commercial Land Branch, DDA was also requested vide letter dated 28.04.2025 to provide the copy of the completion plans of the property in question, as available in their office record. **(Refer Annexure-D3)**

23/05/2025 | 23/05/25 | 23/05/2025 | 23/5/25

**JE (Bldg.) C&I** | **AE (Bldg.) C&I** | **Dy. Dir. (Bldg.) C&I** | **Director (Bldg.)**

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