

MINUTES OF THE 60TH MEETING OF THE COUNCIL OF ARCHITECTURE HELD ON TUESDAY, 27TH AUGUST, 2013, AT 11.00 A.M., IN CASUARINA HALL, CONVENTION CENTRE, INDIA HABITAT CENTRE, LODHI ROAD, NEW DELHI.

PRESENT :

Shri Uday C. Gadkari : President (In Chair)
Shri K. Udaya : Vice-President

Members :

1. Shri Prakash S. Deshmukh
2. Shri Alok Ranjan
3. Smt. Mala Mohan
4. Shri Rajiv Mishra
5. Shri Kiran S. Mahajani
6. Shri Inderjit Singh Bakshi
7. Shri Balbir Verma
8. Shri Durlav C. Saikia
9. Smt. Sunita Monga
10. Shri Nepran G. Singh
11. Shri Amogh K. Gupta
12. Shri Sukrit Chatterjee
13. Shri B. Ramgopal
14. Shri A. D. Shirode
15. Shri Jitendra Singh
16. Shri K. Patharchalam
17. Shri Nikhil D. Desai
18. Shri G. K. Bysack
19. Rajesh Singh
20. Shri C. V. Dileep Kumar
21. Shri R. Ramesh Kumar
22. Smt. Geeta Khulbe
23. Shri V. C. Mongra
24. Shri R. Radhakrishnan
25. Shri V. K. Pant
26. Shri A. K. Rege
27. Smt. Amita Singh
28. Shri George Lalzuia
29. Shri Biswaranjan Nayak
30. Shri D.T. Vinod Kumar
31. Shri Subir K. Basu
32. Shri D.V. Solomon
33. Shri Milind Kollegal
34. Shri Rajiv Chadda
35. Shri D. Vijay Kishore
36. Shri Sadiqu Ali D.A.
37. Smt. Shipra Mitra

IN ATTENDANCE :

Shri Vinod Kumar, Registrar – Secretary
Shri R. K. Oberoi, Deputy Registrar

The following Members were granted leave of absence :

1. Smt. Balvinder Saini
2. Smt. Sumit Kaur
3. Shri B. S. Thangkhiew
4. Shri Arvind K. Ahirwar
5. Smt. Usha Kasana
6. Shri Zavishio W. Khieya
7. Shri Dulalchandra Mukhopadhyay
8. Shri T. K. Dwari
9. Shri M. J. Kalola

The following Members did not attend the meeting and no intimation was received from them till the convening of the meeting:

1. Smt. K. M. Patil
2. Shri Dawa Tsering
3. Ms. Devika R. Sharma
4. Shri O. P. Gurnani

ITEM NO.1 CONFIRMATION OF THE MINUTES OF THE 59TH MEETING OF THE COUNCIL HELD ON 23RD JANUARY, 2013 AT PUNE.

The Minutes of the 59th Meeting of the Council held on 23rd January, 2013, at Pune, as circulated to all the members of the Council and enclosed with the Agenda were confirmed and signed by the President.

ITEM NO.2 ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING OF THE COUNCIL HELD ON 23RD JANUARY, 2013.

The Council noted the action taken report as placed at Appendix-B of the agenda.

ITEM NO.3 APPROVAL FOR RESTORATION OF NAMES TO THE REGISTER OF ARCHITECTS MAINTAINED BY THE COUNCIL OF ARCHITECTURE UNDER THE ARCHITECTS ACT, 1972.

The Council approved the action taken by its Registrar for restoring names of 942 Defaulting Architects, whose names were restored to the Register of Architects on receipt of requisite fees, during the period 01.01.2013 to 31.07.2013.

ITEM NO.4 REMOVAL OF NAMES FROM THE REGISTER OF ARCHITECTS DUE TO REQUEST OR DEATH.

The Council noted with grief passing away of the Architects as listed in the Agenda. The President also made a mention of the tragic incident happened in the State of Uttaranchal where thousands of people lost their lives due to cloud burst. The Council Members expressed deep condolences to the families of the deceased architects as well as to the victims of Uttaranchal incident and observed one minutes silence and paid homage to them.

The Council decided to remove the names of deceased Architects from the Register of Architects as required under the provisions of the Architects Act, 1972 and passed the following Resolution:

Resolution No.435

Resolved that :

The names of following architects be removed from the Register of Architects upon their death as provided under section 29(1) (b) of the Architects Act, 1972:

1. Mr. M. R. Agnihotri (CA/75/1335);
2. Mr. Shriram S. Joshi (CA/76/3304);
3. Mr. C V. Pavale (CA/92/15434);
4. Ms. Bharati K. Shah (CA/75/2263);
5. Mr. Prakash C. Jaitly (CA/76/2333);
6. Mr. M. K. Pathak (CA/75/1628);
7. Mr. Ramesh C. Dua (CA/76/2936);
8. Mr. Pratap S. Gupta (CA/76/3188);
9. Mr. B. G. Mhatre (CA/77/3569);
10. Mr. Raja Subramanyam (CA/75/807);
11. Mr. R. G. Santano (CA/75/1442);

Further, the Council removed the names of the following architects upon their request as provided under section 29(1) (a) of the Architects Act, 1972 and Resolved as under :

Resolution No.436

Resolved that :

The name of following architects be removed from the Register of Architects at their request as provided under Section 29(1) (a) of the Architects Act, 1972 :

1. Mr. T. L. Leon (CA/81/6275);
2. Mr. R. B. Chawhan (CA/75/1346);
3. Mr. Malay Kumar Chaterjee (CA/83/7521); and
4. Ms. Mona C. Shodhan (CA/82/6810)

ITEM NO.5 TO CONSIDER THE ANNUAL REPORT AND AUDITED STATEMENT OF ACCOUNTS OF THE COUNCIL FOR THE PERIOD ENDING 31ST MARCH, 2013.

The Annual Report and Audited Statement of Accounts for the year ending 31st March, 2013 of the Council of Architecture, Council of Architecture (Contributory Provident Fund) Account and Council of Architecture Employees' Group Gratuity Scheme, for the same period, as annexed with the Agenda were perused and approved by the Council. Accordingly, the Council passed the following resolution:

Resolution No.437

Resolved that :

- (a) The Annual Report together with the Audited Statement of accounts be approved for the period ended on 31st March 2013, as placed before the Council;
- (b) A copy of the same be sent to the Central Government in terms of the provisions of the Architects Act, 1972; and
- (c) The same be published in the Gazette of India, as required under the provisions of the Architects Act, 1972.

ITEM NO.6 DELAY IN CONSTITUTION OF DISCIPLINARY COMMITTEE BY THE CENTRAL GOVERNMENT IN TERMS OF AMENDED RULES.

President informed the members that the Ministry of Human Resource Development, Govt. of India, amended the Council of Architecture Rules, 1973, suo motu, in June 2009 and inter alia taking over the power to constitute Disciplinary Committee of the Council. Thus, the constitution of Disciplinary Committee has been delayed considerably.

President further, informed the members that recently the office of the Council is in receipt of a letter dated 07.08.2013, from the Ministry along with a copy of the Gazette notification notifying the constitution of Disciplinary Committee with the following members :

1. Shri R. Radhakrishnan
2. Shri Dulal Mukherjee
3. Smt. Sipra Mitra.

It is also informed that the Committee will elect its Chairman on its own and start functioning soon.

ITEM NO.7 REVISION OF VARIOUS FEES PRESCRIBED UNDER THE ARCHITECTS ACT AND RULES FRAMED THEREUNDER BY THE CENTRAL GOVERNMENT.

President informed the members that the Council is managing its affairs from out of fees received by it under various provisions of the Architects Act, 1972 and Rules and Regulations framed thereunder. The Council is not granted any grant-in-aid or sanctioned any amount out of Consolidated Fund of India.

The fee structure as prevalent presently is as under :

- i) Registration Fee : Rs. 500/-
- ii) Renewal Fee : Rs. 500/- with an option for onetime payment of Renewal Fee of Rs. 5,000/-
- iii) Restoration Fee : Rs. 1,000/-
- iv) Duplicate Certificate of Registration Fee : Rs. 500/-
- v) Additional Qualification Entry Fee : Rs. 100/-
- vi) *Fee of list of Registered Architects : Rs. 2/-
(*Fixed in the year 1973)

This fee structure was approved by the Central Government in the year 2002 by amending the Council of Architecture Rules, 1973.

The Full Council at its 47th meeting held on 26th & 27th May, 2006 resolved to enhance the above fees as under :

- i. Registration Fee : Rs. 1,000/-
- ii. Renewal Fee : Rs. 1,000/- with an option for onetime payment of Renewal Fee of Rs. 15,000/-
- iii. Restoration Fee : Rs. 2,000/-
- iv. Duplicate Certificate of Registration Fee : Rs. 1,000/-
- v. Additional Qualification Entry Fee : Rs. 200/-

Further, in year 2011, the Council also sought enhancement of Fee of list of Registered Architects from Rs. 2/- (*Fixed in the year 1973) to Rs.1,000/-

However, even after lapse of 7 years the proposal of the Council is still pending with Central Government and could not be implemented.

The Council noted that the above proposed fee requires reconsideration as the above fees structure was decided in the year 2006 and could not be implemented by the Council. Therefore, the fees structure approved by the Council in 2006 needs further revision to meet the present requirements and rise in prices of all goods and services in the last several years. Accordingly, after detailed deliberations, the Council resolved to recommend following fees structure to Central Government:

Resolution No.: 438

Resolved that :

1. The fees as proposed by the Council at its 47th meeting held on 26th & 27th May, 2006, needs enhancement to meet the present and future requirements of the Council and to enable the Council to exercise its statutory duties and functions smoothly and efficiently and also in view of rise in prices manifold of all goods and services in last several years and also in near future.
2. The Central Government is requested to amend the Council of Architecture Rules, 1973 to fix the various fees as under :
 - i) Registration Fee : Rs. 5000/-
 - ii) Renewal Fee : Rs. 1,000/- with an option for onetime payment of Renewal Fee of Rs. 20,000/-
 - iii) Restoration Fee : Rs. 10,000/-
 - iv) Duplicate Certificate of Registration Fee : Rs. 2,000/-
 - v) Additional Qualification Entry Fee : Rs. 500/-
3. The amount of Rs. 2/- as mentioned in Rule 28 of the Council of Architecture Rules, 1973, regarding Fee of list of Registered Architects be deleted.
4. The above Fees structure be implemented by the Council as soon as the same is approved by the Central Government.

The President also requested Shri Rajesh Singh, Director (T) MHRD and Council Member representing Central Government to help and assist the Council in getting early approval of Central Government to the above fees structure.

ITEM NO.8 TO CONSIDER THE LETTER NO.4-5/2011-TS.VI DATED 13TH MAY, 2013, RECEIVED FROM MINISTRY OF HUMAN RESOURCE DEVELOPMENT, GOVT. OF INDIA, REGARDING PROPOSAL OF COUNCIL FOR CONDUCT OF PROFESSIONAL EXAMINATION BEFORE GRANTING REGISTRATION AS AN ARCHITECT TO INDIVIDUALS POSSESSING RECOGNISED QUALIFICATIONS.

The President invited the attention of the members towards the letter no.F.No.4-5/2011-TS.VI dated 13th May, 2013, received from Ministry of HRD regarding

proposal for conduct of Professional Examination by Council before granting registration as an Architect to individual's possessing recognized qualification and making Draft Regulations for the same.

President informed the members that the Council is aiming at regulating the product so that good quality of architects enter the profession and people are served by qualified and competent Architects.

After detailed deliberations in the matter, the Council constituted a Sub-Committee comprising of following members:

- i) Shri I. J. S. Bakshi, Convenor;
- ii) Shri Rajiv Mishra, Member;
- iii) Shri Prakash Deshmukh, Member; and
- iv) Shri Balbir Verma, Member.

The Sub-Committee is requested to prepare a detailed paper and submit its report / recommendations with modalities for the examination within three weeks. The Council authorized the President to take further action in the matter upon receipt of report/recommendations from the Sub-Committee.

ITEM NO.9 TO CONSIDER THE RECOMMENDATIONS OF THE JOINT SUB-COMMITTEE OF IIA & COA CONSTITUTED BY THE EXECUTIVE COMMITTEE FOR FORMULATION OF SCHEME OF EXAMINATION, SYLLABI, ETC. FOR PASSOUT STUDENTS OF IIA MEMBERSHIP (BY EXAMINATION) WHO WERE ENROLLED AFTER 01.07.2002 AND ONWARDS, FOR REGISTERING THEM AS ARCHITECTS.

The Council noted and approved the decision taken by the Executive Committee for conducting a Competency Test for candidates who were enrolled after 01.07.2002 and passed the Associate Membership of IIA by Examination and also concurred with the scheme of examination, syllabi and sample test papers, etc. prepared by the Joint Sub-Committee of IIA and COA, in order to consider them eligible for registration as an Architect under the Architects Act, 1972. Accordingly, the Council resolved as under :

Resolution No.439

Resolved that :

- i) A Competency Test be held for persons who have already passed out IIA Examination and persons who are in pipeline whenever they approach Council for registration as an Architect;
- ii) The IIA be requested to supply a list of all such candidates to the Council for its records ; and
- iii) The IIA will not make any fresh enrolment till the syllabus and scheme of examination is approved by the Council.

Registrar – Secretary was directed to communicate the decision of the Council to the Indian Institute of Architects which in turn will inform all the candidates interested to seek registration as an architect with the Council of Architecture.

ITEM NO.10 TO CONSIDER THE LETTER NO.4-13/2013-TS.VI DATED 11.07.2013, RECEIVED FROM THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT, GOVT. OF INDIA, REGARDING RECOGNITION OF B.ARCH. DEGREE AWARDED BY PURBANCHAL UNIVERSITY, BIRATNAGAR, NEPAL.

The President informed the members that COA, is in receipt of a letter no.4-13/2013-TS.VI dated 11th July, 2013, from Ministry of Human Resource Development, Govt. of India, along with a request received from Shri Anand Gupta, Jaipur, regarding recognition of B.Arch. Degree awarded by Purbanchal University, Biratnagar, Nepal, under Section 15 of the Architects Act, 1972.

The Council after perusal of the communication and documents received decided that the matter be referred to the Sub-Committee on recognition of Foreign Qualifications and its report/ recommendations be placed before Council for making appropriate recommendations to Central Government.

ITEM NO.11 TO CONSIDER THE LETTER NO.4-7/2009-TS.VI DATED 25.06.2013, REJECTING THE RECOMMENDATION/ REPRESENTATION OF COUNCIL FOR WITHDRAWAL OF RECOGNITION OF B.ARCH. DEGREE AWARDED TO STUDENTS ADMITTED AFTER 01.09.2006 AND TRAINED AT NASHIK DISTRICT MARATHA VIDYA PRASARAK SAMAJ'S (NDMVP) COLLEGE OF ARCHITECTURE, NASHIK.

The Council considered the letter no.F.No.4-7/2009-TS.VI dated 25th June, 2013, of Ministry of Human Resource Development, Govt. of India, regarding recommendations/ representation made under Section 20 of the Architects Act, 1972, in the year 2008 for withdrawing recognition of B.Arch. Degree awarded to students admitted and trained after 01.09.2006 at Nashik District Maratha Vidya Prasarak Samaj's (NDMVP) College of Architecture, Nashik and reply sent by the Council as well as the subsequent communications in the matter from MHRD and COA.

The Council concurred with the communications sent by the President, Council of Architecture and noted that the recommendations of the Council being an expert body are binding on all authorities including Central Government. The Council also noted that Hon'ble Bombay High Court has also held the similar views on the powers and duties of the Council as regards architectural education on the petitions filed by such institutions.

President, informed the members that despite being on No admission the Institution with the connivance of DTE, Maharashtra made illegal admissions in the B.Arch. Course and about 360 students have been admitted illegally in different academic sessions.

President further informed the members that the Management of the Institution has now been pleading to consider their case sympathetically and suggest ways and means in order to resolve and re-consider their case.

The Council after detailed deliberations in the matter decided to appoint a Three Member Committee to examine the matter and submit its report as to how the issue can be resolved and authorized the President to constitute the Committee and implement the report/ recommendations of the Committee as and when received so that career and interest of students are not put to risk and also fixing the liabilities and responsibility of the institution for making illegal admissions.

ITEM NO.12 TO TAKE NOTE OF GRANT OF 100% FDI PERMISSION TO FOREIGN COMPANIES/ ENTITIES BY GOVT. OF INDIA IN ARCHITECTURAL SERVICES.

President informed the members that the Architects Act, 1972, allows only an individual architect or a firm of architects (partnership firm) to represent as an architect and use the title and style of Architect for practicing the profession of an Architect in India. Companies/ LLPs etc. are not permitted.

But Department of Industrial Policy Promotion, Minister of Commerce & Industry, Govt. of India and FIPB, Ministry of Finance, Govt. of India, have been granting permission to foreign companies to establish their subsidiaries in India for carrying on the profession of an Architect. The Central Government has also allowed upto 100% FDI in Architectural Services without even consulting the Council of Architecture. Because of these policies foreign companies have been established in India in violation of Sections 2(a), 35, 36 and 37 of the Architects Act, 1972.

President also invited the attention of the members towards complaint dated 27.02.2013 from Shri Sudhir Vohra, Architect, addressed to Joint Secretary, Ministry of Commerce & Industry and copy to Registrar, Council of Architecture, listing the foreign companies/ subsidiaries illegally working as Architects in India.

President also informed the members that the Council vide letter dated 06.03.2013, had requested the Secretary, Department of Industrial Policy and Promotion (DIPP) with a copy inter alia to Additional Secretary (T), MHRD, to put the Architectural Services under negative list and FDI in Architectural Services cannot be allowed as FDI is permissible only through formation of Companies whereas under the Architects Act, 1972, Companies are not allowed.

The Council after detailed deliberations in the matter decided that the Act does not allow Companies/ LLPs/ Legal Entities etc to represent and act as Architect for rendering architectural services and therefore all companies mentioned in the complaint of Shri Sudhir Vohra be issued Show Cause notices to stop violation of the Architects Act, 1972, if not already issued, and also authorised the Registrar, Council of Architecture to file criminal complaints against companies who are not adhering to the directions of Council and accordingly passed the following resolution :

Resolution No.440

Resolved that :

1. Criminal complaint be filed in the appropriate court of law against the Companies listed in the complaint of Shri Sudhir Vohra dated 27.02.2013, who failed to adhere to the provisions of the Architects Act, 1972, and their Directors and other concerned officers/ officials for violating Sections 36 and 37 of the Architects Act, 1972.
2. Shri Vinod Kumar, Registrar, Council of Architecture, is directed and authorized :
 - i) to appear, lead evidence and produce documentary evidence and witnesses as may be required and render himself for cross-examination and to proceed with the said case upto the final stage of disposal;
 - ii) to swear and file affidavit in connection with any proceedings in the above mentioned case and to engage advocate, and any other additional Counsel, Solicitor when necessary and expedient in the interest of the case and sign Vakalatnama therefor;
 - iii) to move and sign any application, written statements, memorandums declarations which becomes necessary to file in connection with the criminal proceedings and to do all such acts that deemed necessary for the conduct of the case; and
 - iv) to appear and represent in the Court on behalf of the Council of Architecture and to commence, carry on, or defend all actions and other proceedings relating to or arising out of the above case for and on behalf of the Council of Architecture, till the case is finally disposed of as well as appeals as may arise out of the criminal complaint & its proceedings.

Further, the President informed the members that the Architects Act, 1972 was enacted 40 years back and it requires Comprehensive Amendments to meet the challenges Architects are facing presently and also to provide legal protection to Architects and restricting non-architects to act as Architects. Further the penalty in Act for violation of the Act is also very low and the Act needs to be strengthened on several aspects which give scope for different interpretation and litigations. Even foreign architects are coming freely in India and evading taxes and they are also free from professional liabilities and responsibilities by using the signatures of local architects on their design/ drawings and plans while seeking statutory approvals.

After detailed deliberations in the matter the Council constituted a Sub-Committee comprising of following members of the Council:

- i) Shri Prakash S. Deshmukh, Convenor;
- ii) Shri Balbir Verma, Member;
- iii) Shri Millind Kollegal, Member;
- iv) Shri Jitendra Singh, Member;
- v) Shri K. Udaya, Member;
- vi) Shri B. R. Nayak, Member and
- vii) Shri I.J.S. Bakshi, Member

Further, the Council decided that the Sub-Committee is required to submit its report/ recommendations with the proposed Draft Comprehensive Amendments to Architects Act, 1972, within a month to the President, Council of Architecture and authorised the President, to take appropriate further action in the matter.

ITEM NO.13 TO CONSIDER THE COMPLAINT OF ALLEGED PROFESSIONAL MISCONDUCT FILED BY SHRI MANESH S. BIJLANI, DIRECTOR, JSM REALTORS, LTD., NAVI MUMBAI, ALONG WITH THE REJOINER FILED BY HIM, AGAINST SHRI SATISH AHUJA, ARCHITECT, NAVI MUMBAI, IN TERMS OF THE ORDERS OF HON'BLE BOMBAY HIGH COURT IN W.P. NO.4621 OF 2012.

The Council noted that Shri Manesh S. Bijlani, Director, JSM Realtors, Ltd. Navi Mumbai, filed a complaint for alleged professional misconduct against Shri Satish Ahuja, Architect, Navi Mumbai.

The complaint along with statement of defence of Respondent Architect and also the preliminary report of Council Member, were considered at the 57th Meeting of the Council held on 16th September, 2011. The Council at that time decided that there does not exist any prima facie case of professional misconduct as alleged in the complaint. However, upon receipt of decision of the Council, the complainant filed a Writ Petition No.4621 of 2012, before Bombay High Court and the Hon'ble Court passed the following order on 13.03.2013:

- i) The impugned order dated 16.11.2011 (Council's communication) does not survive as the same has been agreed to be withdrawn by the first respondent;
- ii) We direct the second Respondent to supply a copy of the reply filed by him before the first respondent Council of Architecture to the learned Counsel appearing for the petitioner within a period of two weeks from today;
- iii) It will be open for the Petitioner to file a rejoinder to the said reply within a period of four weeks from today;
- iv) After considering the complaint, the reply of the second respondent and the rejoinder, if any, of the Petitioner, the Council of Architecture shall pass an appropriate order afresh in accordance with the law in particular sub-rule (7) of rule 36 of the Council of Architecture Rules 1973. xxxxxxx

The Council considered the entire matter afresh and perused complaint, statement of defence of Respondent Architect and rejoinder filed by complainant and also perused the preliminary report of Council Member.

After detailed deliberations in the matter and upon application of their mind the Council observed that:

- i) issue relates to payment of brokerage to the Complainants by M/s. Mount Mary Builders and/ or M/s. Akshar Space Pvt. Ltd. and that it was alleged that due to the interference of the Respondent Architect the Complainants are not able to realize their brokerage ;
- ii) there was no written agreement/ contract between the Complainant and Respondent Architect;
- iii) issue is purely of civil nature i.e. recovering of an amount due from a third party and not a matter of professional misconduct of an Architect as alleged; and
- iv) Complainant has already filed civil suits for realization of his amount from M/s. Mount Mary Builders and matter is pending adjudication.

Accordingly, the Council decided that there does not exist any prima facie case of professional misconduct against the Respondent Architect as alleged and decided that the Complaint be dismissed.

Accordingly, the Petitioner and the Respondent Architect be informed of the decision of the Council.

ITEM NO.14 CONSIDERATION OF COMPLAINTS AGAINST REGISTERED ARCHITECTS, RECEIVED FROM THE ARCHITECTS, GENERAL PUBLIC/GOVT. AGENCIES.

The Council perused the various complaints received against architects, as detailed in the Agenda, together with the statement of defence, whoever filed, and preliminary reports, wherever received, from the Council members to whom the respective matters were referred, as annexed to the Agenda, and upon application of their mind, passed the following resolution:

Resolution No.441

Resolved that :

- i) (CA/DC/368) With regard to the complaint filed by Shri Harrish K. Bajaj, Delhi against Shri Pradeep Sharma, Architect, the Council opined that there exists a prima facie case against the Respondent Architect as there are certain documents which bear signature of architect and the matter needs detailed investigation to ascertain the role of Architect and accordingly decided that the matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided under the Council of Architecture Rules. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.
- ii) (CA/DC/369) With regard to the complaint filed by Ms. Gauri Parikh, Ahmedabad against Ms. Mamta Shah, Architect, Vadodara, the Council

observed that proposal/ drawings of HVAC prepared by Respondent Architects are entirely different from the one earlier proposed and prepared by the Complainant and opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the complaint be dismissed. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

Further, the Council noted that Ms. Gauri Parikh who is herself is an architect has quoted/charged less fees than the one prescribed by the Council under the Regulation 2(1) (xii) of the Architects (Professional Conduct) Regulations, 1989 and decided that a show cause notice be issued to her why action should not be taken against her for violating the fees structure prescribed by the Council of Architecture.

- iii) (CA/DC/370) With regard to the complaint filed by Shri Ram Chandra Kailash Chandra Mishra, Navi Mumbai against Shri Chandrakant Manohar Samant, Architect, the Council opined that there exists a prima facie case against the Respondent Architect as there has been deviation from the approved plans for construction of building and occupancy certificate was not given by municipal authorities and accordingly decided that the matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided under the Council of Architecture Rules. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.
- iv) (CA/DC/372) With regard to the complaint filed by Shri Sudhir M. Lele, Pune against Shri Nitin Waghmare, Architect, Pune, the Council observed that Respondent Architects joined the Kikons Limited as Director rendering managerial services. The work order was issued by a company in the name Kirloskar Consultants Ltd. and terminated by the same company. The Council opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the complaint be dismissed. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
- v) (CA/DC/373) With regard to complaint filed by Shri Lindon J. D' Silva, Gurgaon against Shri Nitin Sharma, Architect, Delhi, the Council opined that there exists a prima facie case against the Respondent Architect as he failed to complete the work as per the contract with the client. Therefore, the Council decided that the matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided under the Council of Architecture Rules. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.
- vi) (CA/DC/374) With regard to the complaint filed by Shri Sudhir Diwan, Mumbai against Ms. Manisha Sharma, Architect, Mumbai, the Council observed as the matter is sub-judice and the Complainant has already approached court of law for specific remedies and Respondent and RBI also filed cases. Therefore, the Council decided to keep the Complaint in

abeyance till the issue is sub-judice. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.

- vii) (CA/DC/375) With regard to the complaint filed by Shri L. G. Padhe, Dombivli (E) against Shri Dilip Deshmukh, Architect, Dombivli, the Council observed that the Complainant had prepared and submitted to the concerned local authority for approval a site plan dated 21.11.2004 however no permission was got from the Authority and his services were terminated by the client on 20.03.2010. The Respondent Architect rendered his services to the client much after termination of services of the Complainant.

Therefore, the Council opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the complaint be dismissed. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

- viii) (CA/DC/377) With regard to the complaint filed by Shri Amitabh Kumar, New Delhi against Shri Satish Kumar Srivastava, Architect, New Delhi, the Council observed that complainant raised the issue of non-payment of salary after enormous delay and matter is purely maintenance of discipline and proper conduct in organization.

Therefore, the Council opined that there does not exist any prima facie case of professional misconduct, as alleged and therefore the complaint be dismissed. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

- ix) (CA/DC/378) With regard to the complaint filed by Shri Bharat C. Suthar, Mumbai, against Ms. Preeti R. Dalvi, Architect, Mumbai, the Council opined observed that complainant was working for M/s. Evergreen Developers for slum redevelopment and all municipal drawings etc. were prepared by him and the Respondent Architect took over the project without termination of services of the Complainant and payment of his fees.

Therefore, the Council decided that the matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided under the Council of Architecture Rules. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.

- x) (CA/DC/379) With regard to the complaint filed by Shri S. P. Das, Head, Indian Statistical Institute, New Delhi, against Shri J. P. Singh, Architect, New Delhi, the Council observed that the issue relates to allowing construction of buildings without approval sanction plans and tempering with documents by Respondent Architects.

Therefore, the Council decided that the matter be referred to the Disciplinary Committee of the Council for detailed investigation as provided

under the Council of Architecture Rules. Accordingly, the petitioner and the respondents shall be informed of the decision of the Council.

ITEM NO.15 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

- (i) **TO TAKE NOTE OF THE MINUTES OF 124th MEETING OF THE EXECUTIVE COMMITTEE HELD ON 26TH JUNE, 2013 AND RATIFY THE RESOLUTIONS PASSED AND ACTION TAKEN THEREIN.**

The Council of Architecture (COA) took note of the Minutes of the 124th Meeting of the Executive Committee held on 26.06.2013, as placed at Appendix-V of the Agenda, which was confirmed by the Executive Committee at its 125th meeting held on 26.08.2013 and ratified the resolutions passed and action taken therein.

The Council decided that its next meeting will be held in February 2014 at Thiruvananthapuram, Kerala.

The meeting ended at 4.45 p.m. with a vote of thanks to the Chair.

**PROF. UDAY CHANDRAKANT GADKARI
PRESIDENT
COUNCIL OF ARCHITECTURE**

DATED :
