

**MINUTES OF THE 66<sup>TH</sup> MEETING OF COUNCIL OF ARCHITECTURE, HELD ON THURSDAY, 25<sup>TH</sup> AUGUST, 2016, AT 11.00 A.M., IN CONFERENCE HALL, HOTEL PRIDE SURYA MOUNTAIN RESORT, MAIN ROAD, MCLEODGANJ, H.H. DALAI LAMA TEMPLE ROAD, DHARAMSHALA - 176219, HIMACHAL PRADESH.**

**PRESENT**

Shri Biswaranjan Nayak : President (In Chair)  
Shri Vijay Garg : Vice-President

**MEMBERS:**

1. Ms. Ranee Vedomuthu
2. Shri Alok Ranjan
3. Shri Amitava Roy
4. Shri Abhay Purohit
5. Shri Amogh Kumar Gupta
6. Shri K. Udaya
7. Shri Prakash S. Deshmukh
8. Smt. Mala Mohan
9. Shri Kiran Mahajani
10. Shri Rajiv Mishra
11. Shri Milind Kollegal
12. Shri Pushkar Kanvinde
13. Ms. Binumol Tom
14. Smt. Sujata Anand
15. Shri Durlav C. Saikia
16. Shri Shyam Kisore Singh
17. Shri Kapil Setia
18. Shri Arvind K. Ahirwar
19. Shri P.D. Dhanjibhai
20. Shri Chandan K. Parab
21. Smt. Sunita Monga
22. Shri N. K. Negi
23. Shri V. K. Pant
24. Shri C.V. Dileep Kumar
25. Shri Sadiqu Ali D.A.
26. Shri Habeeb Khan
27. Shri B.K. Sharma
28. Shri B.S. Thangkhiew
29. Shri George Lalzuia
30. Shri V.N. Mehta
31. Shri R. Radhakrishnan
32. Smt. Sapna
33. Shri Arvind Bhargava
34. Shri Rajesh Pradhan
35. Smt. N.Kavita D. Rao
36. Shri Sanjiban Datta
37. Smt. Vandana Sehgal
38. Shri Subir K. Basu
39. Shri A.D. Shirode
40. Shri H.K. Mittal

**IN ATTENDANCE:**

Shri R. K. Oberoi : Registrar-Secretary  
Shri Deepak Kumar : Administrative Officer

**The following members were granted leave of absence**

1. Shri A. R. Ramanathan
2. Shri R. K. Thathu
3. Shri J. Manoharan
4. Ms. Kamla Devi
5. Shri S. P. Goyal
6. Shri Mitesh J Kalola
7. Shri D.L. Vohra
8. Shri Jatinder K. Saigal

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

1. Shri Dawa Tsering
2. Shri Gajanand Ram
3. Ms. Geeta Khulbe

The President extended a very warm welcome to the members attending the meeting with a special mention of members attending the meeting for the first time. He also generally briefed the members about the Agenda items of the meeting.

The President also informed the members that a letter dated 23.08.2016 was received from the Ministry of Human Resource Development, Govt. of India, on the Agenda of the Council. He affirmed that the Council will function within mandate of the provisions of the Act and as per advice of the Ministry from time to time. The copy of the letter dated 23.08.2016 of the Ministry was circulated to all members present in the meeting.

The President also informed that the issue of use of National Emblem by the Council on its website, stationary and I.Card of Officer bearers, Officers and employees is being examined by the Ministry of HRD in consultation with Ministry of Home Affairs and Ministry of Law and Justice and appropriate response on the same would be informed to Council soon.

Thereafter the regular agenda of the meeting was taken up.

**ITEM NO. 1 CONFIRMATION OF THE MINUTES OF 65<sup>TH</sup> MEETING OF THE COUNCIL OF ARCHITECTURE HELD 25<sup>TH</sup> JANUARY, 2016.**

The Minutes of the 65<sup>th</sup> Meeting of the Council of Architecture held on 25<sup>th</sup> January, 2016 at Udaipur, as circulated to members on 09.02.2016, were confirmed and signed by the President.

Further, the President directed the Registrar-Secretary that since all decisions in the Council are taken by majority, the views expressed by individual members be not recorded as personal views of members in the Minutes.

**ITEM NO.2 TO TAKE NOTE OF THE ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING OF THE COUNCIL HELD ON 25<sup>TH</sup> JANUARY, 2016.**

The President informed that appropriate actions on the respective items as per Minutes of the last meeting of the Council have been taken.

Further, the Council while discussing the Item No.9 of the action taken report decided that a Public Notice be issued in Leading National Newspapers/on website of Council cautioning Architects to strictly abide by the Architects (Professional Conduct) Regulations and Conditions of Engagement and Scale of Charges prescribed thereunder.

**ITEM NO.3 APPROVAL FOR RESTORATION OF NAMES OF ARCHITECTS 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 1642 defaulting Architects' whose names were restored to the Register of Architects upon receipt of requisite fees during the period 01.01.2016 to 31.07.2016.

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

The Council noted with grief the passing away of architects as listed in the agenda. The members expressed their deep condolences to the families of deceased Architects and observed one minute silence. The Council decided to remove their names from the Register of Architects as required under the provisions of the Architects Act. In this regard, the Council passed the following Resolution:

**Resolution No.470**

**Resolved that:**

The names of the 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. Shri Salil Arvind Khare, CA/96/19848
2. Shri D.M. Batliwala, CA/75/589, Mumbai;
3. Shri Radha Krishan Nangia, CA/1980/5818, Delhi
4. Mrs. Saroj Joshi, CA/1975/00353, Delhi
5. Shri Utty Zachariah, CA/1975/1011, Bangalore
6. Shri B.L. Chadha, CA/1975/1869, Delhi
7. Shri Suresh Chandragupta, CA/1977/3742, Delhi
8. Shri Hareshwar Mukund Pathare, CA/1978/4642, Mumbai
9. Shri G. D. Shah, CA/1978/4819, Ahmedabad
10. Shri Anil Laul, CA/1975/1807, Faridabad

Further, the Council removed the name of the following Architects upon their request as provided under Section 29 (1) (a) of the Architects Act, 1972 and accordingly passed the following resolution:

**Resolution No.471**

**Resolved that :**

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

1. Shri Ramakant Waman Patil, CA/96/19579, Mumbai

2. Ms. Rakhi Nityanand Dasgupta, CA/94/17540, Delhi
3. Shri Srikanth Adigopula, CA/99/24360, Australia
4. Shri Gopal Waman Athavale, CA/76/2778, Pune,
5. Ms. Vandana Mittal, CA/2006/38320, Navi Mumbai
6. Ms. Anu Jacob, CA/2012/57440, Kottayam
7. Ms. Nikita Gyanchandani, CA/2012/57479, Nagpur
8. Shri Vinayak Haridas, CA/1976/03135, Delhi
9. Ms. Dolly Chauhan, CA/2009/44875, Pune
10. Shri Sharad Ganpatrao Chavan, CA/1976/3346, Sangli
11. Shri Vikas Krishnaji Joshi, CA/1981/6633, Pune
12. Ms. Raminder Bhatia, CA/1983/7501, Chandigarh
13. Ms. Aruna Sri Reddi, CA/1998/23031, Kozhikhode
14. Ms. Anchal Jain, CA/2001/27232, Gurgaon
15. Mohd. Hammad, CA/2012/56949, Delhi
16. Ms. Dhivyaa T., CA/2014/6586, USA,
17. Shri N.S. Bhoj, CA/1988/11830, USA,
18. Ms. R. K.Jhaveri, CA/1989/11990, Mumbai,
19. Shri V. T. Kota, CA/1977/3755, Solapur,
20. Shri Jayant Rathee, CA/2013/61344, Panchkula.

**ITEM NO.5 TO GRANT OPPORTUNITY OF HEARING TO ARCHITECT(S) FOUND GUILTY OF PROFESSIONAL MISCONDUCT UPON REPORT BY DISCIPLINARY COMMITTEE BEFORE PASSING ORDER(S).**

- (i) **CA/DC/310 – Mrs. Savita Mehta, New Delhi V/s. Shri Vivek Khanna, Architect, New Delhi.**

In terms of decision of the Council the Respondent Architect Shri Vivek Khanna appeared before Bar of the Council. He informed that he has paid back the amount charged by him to the complainant with interest and there was no written agreement for preparing of drawings for the purposes of regularization of the existing floors by the MCD.

The Council noted that the Complainant has consistently failed to appear before the Disciplinary Committee as well as before the full Council. The Council at its last meeting sought certain documents from the complainant as well as the Respondent Architect and both the parties failed to provide the same.

The Council deliberated the matter in detail and noted that no case of professional misconduct is made out on the part of the Respondent Architect.

The Council, therefore, upon application of its mind dismissed the complaint.

Accordingly, the Registrar- Secretary is directed to inform the decision of the Council to the Complainant and Respondent Architect.

**ITEM NO.6 TO CONSIDER COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 2016.**

The President informed the members that the Council had earlier in its 64<sup>th</sup> and 65<sup>th</sup> Meeting approved the Minimum Standards of Regulations of 2015. However, consequent upon receipt of some more views/ representations from the Council members he referred the matter to UG Board of COA to re-examine the COA Minimum Standards of 2015 and after incorporating views/ suggestions of all concerned submit a final document to Council. Accordingly, the UG Board finalized the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2016. The President informed that the document was discussed in the last (163<sup>rd</sup>) meeting of Executive Committee and it was decided to seek views of the members of the Council for finalization of the same.

The Council after detailed deliberations in the matter decided that the document be circulated to all Council members again and their views/ suggestions be sought within 15 days. After receipt of views/ suggestions within 15 day the same be finalized by the Executive Committee and the final version be circulated to all the Council Members.

**ITEM NO.7 TO ELECT A MEMBER OF THE DISCIPLINARY COMMITTEE.**

The President informed the members that as per Council of Architecture Rules, 1973, Disciplinary Committee investigates the complaints, received in the office of Council of Architecture, pertaining to professional misconduct of the Architects.

Presently, the Disciplinary Committee consists of following members.

1. Mr. R. Radhakrishnan, elected by the Council;
2. Mr. A.R. Ramanathan; nominee of AICTE ; and
3. Mr. Ravindra Kumar Thathu; nominee of CPWD

As Shri R. Radhakrishnan expressed his unwillingness to be part of the Committee, the Council has to elect a member in his place to be a member of the Disciplinary Committee.

The Council accordingly unanimously elected Shri N. K. Negi as a member of the Disciplinary Committee and Shri Negi also accepted his appointment as such and thanked the Council members. The Council requested the Central Government to

re-notify the constitution of the Disciplinary Committee at the earliest so that it can start functioning.

**ITEM NO.8 TO CONSIDER THE ANNUAL REPORT & AUDITED STATEMENT OF ACCOUNTS OF THE COUNCIL OF ARCHITECTURE FOR THE FINANCIAL YEAR ENDING ON 31<sup>ST</sup> MARCH, 2016.**

The President reported that the Executive Committee 162<sup>nd</sup> Meeting held on 06.08.2016 has considered the Annual Report and Audited Statement of Accounts of the Council for the financial year ending on 31<sup>st</sup> March, 2016. The Executive Committee has recommended for placing the same before the Council and that the same may be accepted.

The Audited Statement of Accounts for the year ending 31.03.2016 of the Council of Architecture, Council of Architecture (Contributory Provident Fund) Account and Council of Architecture Employees' Group Gratuity Scheme with LIC of India and the Annual Report for the same period, as annexed with the Agenda, were perused and approved by the Council and accordingly, the Council passed the following resolution:

**Resolution No: 472**

**Resolved that:**

- (a) The Annual Report together with Audited Statement of Accounts as placed before the Council be approved for the period ended on 31.03.2016;
- (b) The same be published in the Gazette of India as required under the provisions of the Architects Act, 1972; and
- (c) A copy of the same be sent to the Central Government in terms of the provisions of the Architects Act, 1972.

Further, the Council while discussing the expenses incurred on preparation of project report of National Museum of Architecture noted that about Nine Lakh Rupees were spent on the same by the COA whereas there were four partners for this project i.e. IIA, GREHA, INTACH and COA but there is no financial contribution from other organizations.

The Council upon detailed deliberations in the matter decided that no further payment to be released to GREHA in the matter and GREHA may be asked to submit the accounts for the advance released to them by the Council.

**ITEM NO.9 TO TAKE NOTE OF RE-CONSTITUTION OF FOLLOWING COMMITTEE BY THE PRESIDENT, COUNCIL OF ARCHITECTURE:**

**A. ADVISORY COMMITTEE (APPEALS)**

**B. FOREIGN QUALIFICATIONS COMMITTEE.**

The President informed that he has re-constituted the Advisory Committee (Appeals) and the Committee on Recognition of Foreign Qualifications as under :

Advisory Committee (Appeals) :

1. Ar. Sapna, Convenor;
2. Ar. V.K. Pant, Member; and
3. Ar. George Lalzuia, Member.

Foreign Qualifications Committee:

- 1.Ar. N. K. Negi, Convenor;
- 2.Ar. Rajiv Mishra, Member;
- 3.Ar. Chandan Parab, Member; and
4. Ar. J. Manoharan, Member.

Further, the President stated that since Shri N. K. Negi is elected as a member of the Disciplinary Committee it would be appropriate to appoint some other member as Convenor of Foreign Qualifications Committee

Accordingly, Shri Kiran Mahajani, Member, was appointed as Convenor of the Committee on Recognition of Foreign Qualifications.

**ITEM NO.10 TO CONSIDER CREATION OF ARCHITECTS WELFARE FUND BY COUNCIL OF ARCHITECTURE.**

The President informed the members that the Council, time and again, receives, representations that Architects in old age or not in good financial condition are not able to take care of their Medical Treatment/ Hospitalisation in case of Chronic diseases, etc. and thus they are compelled to make requests for financial help to other Architects, IIA and Council.

The Council also receives requests from the students studying architecture who are not able to carry on their studies due to financial crisis and seek financial help from the Council of Architecture to complete their education.

The Council deliberated in detail in the matter and resolved as under:

**Resolution No.:473**

**Resolved that :**

- i) The Council of Architecture will set up a Trust and create “**Architects Welfare Fund**” to help the Architects and Students in case of any medical and financial emergency to them;
- ii) A three member committee be set up to prepare detailed Rules and Regulations for the fund;
- iii) The fund shall have donations and grants from the Central Government, State Government, Council of Architecture, Architectural institutions, Architects, Students, Manufacturers of building materials, etc., received by the Council;
- iv) A separate account would be opened for the purpose with any of the Scheduled Banks;
- v) Modalities be worked out with Insurance Companies for having Health-cum-Accidental Insurance for the Architects and Students and the premium of the same may be collected from the concerned Architects/ Students, respectively at the time of Registration by the Council and Admission in Institutions;
- vi) The detailed proposal/ Regulations of Trust be placed before the Council for approval at its next meeting.

**ITEM NO.11 TO SUBMIT PROPOSAL FOR ALLOTMENT OF LAND TO SET UP COUNCIL OF ARCHITECTURE’S OWN OFFICE BUILDING IN DELHI AND ALL STATE CAPITALS FOR SETTING UP ADMINISTRATIVE OFFICES/TRAINING CENTRES AND GUESTS HOUSES.**

The President informed the members that the Council is a national level body for regulating architectural education and profession in the country. The Council is presently having its office at India Habitat Centre, New Delhi. Further, some more space is also taken on rent in IHC. The Council should have its offices all over India like other bodies and therefore proposals be submitted to all State Governments for grant of land to the Council.

The members deliberated in detail in the matter and agreed in principle for making requests to all State Governments for grant of land to Council for its office/guest house building. Further, it was also decided that all State Government nominees on the Council be requested to pursue the matter with the concerned State Governments.

**ITEM NO.12 TO APPROVE CHANGE OF NAME OF ACADEMIC UNIT OF COUNCIL NATIONAL INSTITUTE OF ADVANCED STUDIES IN ARCHITECTURE NIASA.**

**AND**

**ITEM NO.13 TO ESTABLISH COA TRAINING AND RESEARCH CENTRE IN THE FIVE ZONES ALL OVER INDIA.**



The President informed the members that Council's academic and research wing is having the name National Institute of Advanced Studied in Architecture (NIASA). This name suggest as if NIASA is an independent entity or institution. Therefore, the Executive Committee of the Council at its 162<sup>nd</sup> Meeting held on 06.08.2016, decided for closure of the NIASA office and to open "Council of Architecture Training and Research Centre".

The Council noted the closures of the NIASA and approved for setting up of Council of Architecture Training and Research Centre.

The President proposed to set up such Centres at Pune, Bangalore, Bhopal, Bhubaneswar and Delhi.

The President further elaborated that Centres would be started from a hired accommodation in order to provide training to the faculty members and practicing Architects and also to conduct training certification and online examination programmes in Energy Conservation Building Code (ECBC) of BEE, which is mandatory for buildings of certain specified magnitude. The BEE has in principal agreed to contribute partially towards expenditure to be incurred by the Council on conduct of such training and examination by the Council.

**ITEM NO.14 TO CONSIDER FILING OF COMPLAINT(S) BEFORE FIRST CLASS MAGISTRATE FOR VIOLATION OF ARCHITECTS ACT, 1972.**

The President informed the members that the Council is in receipt of a complaint from Shri Sandeep Saini, Architect, Rohtak, that one Mr. Mukesh Saini is misrepresenting as an architect and misusing the title and style of architect.

The Council issued a letter dated 22.12.2015 to Shri Mukesh Saini to stop violations of the Architects Act, 1972 and submit his reply to Council. In response Shri Mukesh Saini submitted that he got registered as an architect with Municipal Corporation Rohtak and not violating the Act.

The Council again wrote a letter dated 09.02.2016 to Shri Mukesh Saini to stop representing as an Architect and sought his compliance. However, he refused to accept the communications sent by the Council. The Council also sent him reminders on 14.03.2016, 27.04.2016 and 15.06.2016, however, no response was received from him.

Section 39 of the Architects Act, 1972 provides passing an order by the Council for filing complaint before First Class Magistrate for taking cognizance of violations of the Architects Act, 1972.

The Council after detailed deliberations in the matter resolved and ordered as under :

**Resolution No:474**

**Resolved that :**

1. Criminal complaint be filed in the appropriate court of law against Shri Mukesh Saini, Rohtak, for violating Sections 36 and 37 of the Architects Act, 1972.
2. Shri Raj Kumar Oberoi, 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.

**ITEM NO.15 TO CONSIDER THE COMPLAINTS RECEIVED FOR ALLEGED PROFESSIONAL MISCONDUCT AGAINST ARCHITECTS 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.:475**

**Resolved that :**

1. (CA/DC/298) With regard to complaint filed by Shri Kashinath Bhoir, Thane against Shri Shirish G. Nachane, Architect, Thane, the Council noted that the matter is sub-judice between the Developer and Co-owners of Plot and no fault lies with the respondent architect in submitting the building plan proposals. The

Council accordingly 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.

2. (CA/DC/338) With regard to complaint filed by Shri V.K. Sharma, VV Giri National Labour Institute, Noida against Ms. Anupama Kohli, Architect, New Delhi, the Council noted that there is a prima facie case in the matter since certain allegations have been made against the architect for lapses on her part by the Complainant as well as by the CVC. The Council, 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 respondent architect shall be informed of the decision of the Council.
3. (CA/DC/353) With regard to complaint filed by Shri Ajay Bansal, Aakruti Concept Pvt. Ltd., Mumbai against Shri Dilip W. Deshmukh, Architect, Mumbai, the Council decided to **keep the matter in abeyance** since Arbitration proceedings are going on between the Complainant and the Respondent Architect.
4. (CA/DC/397) With regard to complaint filed by Shri Sudhir J. Thorat, Thane against Shri Sukumar K. Nashine, Architect, Nagpur, the Council opined there exists a prima facie case against the Respondent Architect as he took up the project knowing fully that Complainant was already appointed by the client. The Council, 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 respondent architect shall be informed of the decision of the Council.
5. (CA/DC/399) With regard to complaint filed by Shri Prithvi Raj Arya, New Delhi against Shri Rajat Goyal, Architect, New Delhi, the Council noted that the complaint was regarding preparation of drawings for the extensions possible in the housing society, however the DDA stopped accepting revised sanction plans of Group Housing Societies and thus did not grant permission. The Council after detailed deliberations in the matter opined that there is no case of alleged professional misconduct against the Respondent Architect and **hence dismissed the complaint**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
6. (CA/DC/401) With regard to complaint filed by Shri Prasanna S. Chamankar, Mumbai against Shri Anand V. Dhokay, Architect, Mumbai, the Council opined that there exists a prima facie case as the Respondent Architect accepted the work of client even though he was aware that a previous architect is working on the same. The Council, 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 respondent architect shall be informed of the decision of the Council.

7. (CA/DC/405) With regard to complaint filed by Shri Sandeep S. Kumar, Navi Mumbai against Shri Anurag S. Garg, Ms. Leena Garg, Navi Mumbai, the Council noted that the matter is sub-judice and hence decided to **keep the complaint in abeyance**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
8. (CA/DC/415) With regard to complaint filed by Shri Sudhir Vohra, Architect, New Delhi, against Shri Mayur R. K., Architect, Bangalore, the Council noted that complaint against Respondent is that he worked for one foreign Architect in violation of the Architects Act whereas there are not documents to show that the Respondent Architect in fact acted as a local architect for the said foreign architect. The Council noted that the Complainant was the Architect for the project in question. The Council after deliberations decided that there is no case of professional misconduct as alleged and **dismissed the Complaint**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
9. (CA/DC/416) With regard to complaint filed by Shri Ashok S. Rach, Mumbai against Shri A. R. Mehta, Architect, Mumbai, the Council opined that there is no prima face case of professional misconduct as alleged on the part of Respondent Architect as the issue in the complaint is a dispute between the Complainant (whose mother is society member) and the Developer. **Therefore, the Council dismissed the Complaint**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
10. (CA/DC/417) With regard to complaint filed by Mrs. C. J. Agarwal, Mumbai against Shri Arvind Nandapurkar, Architect, the Council noted that the complaint is solely on the issue of Respondent Architect not responding to Complainant who is a society member whereas Respondent Architect was engaged by the Developer. Therefore, the Council opined that there is no prima facie case of professional misconduct on the part of Respondent Architect and **dismissed the complaint**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
11. (CA/DC/418) With regard to complaint filed by Ms. Rashmi Chhabra, New Delhi against Shri Debasis Roy, Architect, New Delhi, the Council opined that there is no prima facie case of professional misconduct as alleged since the dispute relates to possession of areas and there is criminal case pending on the same issue. **The Council, therefore, dismissed the Complaint**. Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
12. (CA/DC/419) With regard to complaint filed by Shri M.P. Agrawal, New Delhi against Shri Sunil Kaushik, Architect, New Delhi, the Council opined that there

is no prima facie case of professional misconduct as alleged since society did not confirm the assignment of re-measurement to the Architect and there was no written agreement for the works with the Architect. Further, the complaint is made after lapse of 11 years. **The Council, therefore, dismissed the Complaint.** Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

13. (CA/DC/422) With regard to complaint filed by Shri R. Muniyandi Chandran, Chennai, against Shri Renjith E. Alex, Architect, Chennai, the Council opined that there is no prima facie case of professional misconduct as alleged since the complaint pertains to alleged breach of contract by the Respondent Architect since the payment as due was not made by the petitioner. **The Council, therefore, dismissed the Complaint.** Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
14. (CA/DC/431) With regard to complaint filed by Shri Sharad H. Jani, Mumbai against Shri Fazal A.W. Sarang, Mumbai, the Council opined that there is no prima facie case of professional misconduct as alleged since the Respondent Architect was appointed and paid by the Developer and as the agreement between the Developer and the Complainant was terminated the services of the Respondent Architect also automatically stands terminated. **The Council, therefore, dismissed the Complaint.** Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
15. (CA/DC/434) With regard to complaint filed by Shri Vineet Goel, Gurgaon, Haryana, against Shri Indra Prakash Pathak, Architect, Delhi, the Council opined that there is no prima facie case of professional misconduct as alleged since the Respondent Architect has issued only part Completion Certificate and same was also accepted by HSIIDC. **The Council, therefore, dismissed the Complaint.** Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.
16. (CA/DC/432) With regard to complaint filed by Shri D. T. Vinod Kumar, Architect, Secunderabad against Shri Milind Kollegal, Architect, Hyderabad, **the Council decided to refer the matter to Shri C.V. Dileep Kumar, Member for studying the matter and submit his preliminary report as to whether there exists a prima facie case in the matter.**
17. (CA/DC/427) With regard to complaint filed by Shri Sudhir K. Vohra, Architect, New Delhi, against Shri Hafeez Contractor, Architect, Mumbai, the Council opined that there is no prima facie case of professional misconduct as alleged since printing and publication of name of architect in media is allowed for the works carried on the Architects under the Architects (Professional Conduct) Regulations, 1989. **The Council, therefore, dismissed the Complaint.** Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

**ITEM NO.16 TO CONSIDER WITHDRAWAL OF COMPLAINTS OF ALLEGED PROFESSIONAL MISCONDUCT AGAINST ARCHITECT BY THE CONCERNED COMPLAINANT(S).**

The President, informed the members that Council is in receipt of requests from the concerned complainant(s) for withdrawal of complaint(s) filed by them against Architect, in respective Disciplinary Enquiry No.CA/DC/364, CA/DC/365, CA/DC/420 and CA/DC/433. The Council accordingly resolved as under :

**Resolution No.:476**

**Resolved that :**

The Complaints received against architects for alleged professional misconduct against Disciplinary Complaint Nos. No.CA/DC/364, CA/DC/365, CA/DC/420 are dismissed as withdrawn.

Accordingly, the petitioner and the respondent architect shall be informed of the decision of the Council.

The Council also discussed in detail that there should be a Fee for Filing of Complaint in the Council since lot of expenses are incurred by the Council in this process right from holding a prima facie view and circulation of the complaints to all members of the Council, holding of hearing by the Disciplinary Committee. The Council, therefore, resolved as under :

**Resolution No.:477**

**Resolved that :**

- i) The Central Government is requested to amend the Council of Architecture Rules, 1973 and prescribe a Fee for Filing of Complaint in the Rules;
- ii) A Complaint Fee of Rs.2000/- be prescribed in the Council of Architecture Rules, 1973 for filing complaints against Architects for alleged professional misconduct.

**ITEM NO.17 TO CONSIDER THE REPORT OF DISCIPLINARY COMMITTEE IN RESPECT OF FOLLOWING COMPLAINTS AGAINST ARCHITECTS FOR ALLEGED PROFESSIONAL MISCONDUCT.**

The Council received complaints against the Architects for alleged professional misconduct as per the provisions of the Architects Act, 1972. The Council upon finding prima facie case referred such complaints to Disciplinary Committee in terms of Council of Architecture Rules, 1972, as amended from time to time. The Disciplinary Committee upon holding inquiry in the matter has submitted its report in respect of following complaint cases:

i) **CA/DC/325 - Shri K.C. Keshap v/s. Shri Akshay Shrinagesh, Architect:**

The Council perused the report of the Disciplinary Committee and noted that the Respondent Architect agreed to carry out certain work on a lumpsum fee without any written agreement and afterwards left the work without completion. The Respondent Architect's stand is that he was not allowed to perform the work by petitioner. The Council noted that the Respondent Architect has already paid the compensation, awarded by the Consumer Forum, to the Petitioner.

The Council did not concur with the findings of the Disciplinary Committee and held that no professional misconduct has been committed by the Respondent Architect and accordingly dismissed the Complaint.

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

ii) **CA/DC/332 - Shri Shabbir A. Tambawala v/s. Shri Hafeez Contractor, Architect and Shri Suhas Joshi, Architect:**

The Council perused the report of the Disciplinary Committee and decided to refer back the matter to the Disciplinary Committee for further detailed investigation in order to specifically set out the role of the Respondent Architects in the project in question and specifying negligence on their part, if any.

iii) **CA/DC/351 - Mrs. Jessie George Pereira v/s. Shri Harish D. Gandhi, Architect:**

The Council perused the report of the Disciplinary Committee in the matter and decided to keep **the complaint in abeyance** as a criminal case is pending in the matter.

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

iv) **CA/DC/355 – Shri Sudhir Diwan, Architect v/s. Shri Kishor Parkar, Architect:**

The Council perused the report of the Disciplinary Committee in the matter and accepted the same and found the Respondent Architect guilty of Professional Misconduct.

The Council, therefore, decided to **summon Shri Kishor Parkar, Respondent Architect to appear before the Bar of the Council** to hear him in person and provide opportunity of hearing on the finding of guilt and order to be pronounced consequently in terms of Section 30 of the Architects Act, 1972. The Council also decided to invite the Petitioner to appear before the Bar of the Council for the hearing.

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

v) **CA/DC/411 – Shri Sudhir K. Vohra, Architect v/s. Shri Rajinder Kumar, Architect:**

The Council perused the report of the Disciplinary Committee in the matter and accepted the same and found the Respondent Architect guilty of Professional Misconduct.

The Council, therefore, **decided to summon the Respondent Architect to appear before the Bar of the Council** to hear him in person and provide opportunity of hearing on the finding of guilt and order to be pronounced consequently. The Council also decided to invite the Petitioner to appear before the Bar of the Council for the hearing.

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

vi) **CA/DC/370 – Shri Ramchandra Mishra v/s. Shri Chandra K. M. Samant, Architect:**

The Council perused the report of the Disciplinary Committee and noted that complaint against architect is that he colluded with the developer in construction of two illegal flats in stilted area earmarked for parking and violated the approved plans. The Council observed that construction of building is the responsibility of developer and architect is not responsible for any illegal construction. The Council, therefore, did not concur with the findings of the Disciplinary Committee and held that no professional misconduct has been committed by the Respondent Architect and accordingly **dismissed the Complaint.**

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

vii) **CA/DC/373 – Shri Lyndon J D'Silva v/s. Shri Nitin Sharma, Architect:**

The Council perused the report of the Disciplinary Committee and noted that complaint against respondent architect is that he failed to fulfill the commitments made and did not deliver the finished produced in spite of



having been given extension of time. On the other hand Respondent Architect showed his intent to complete the work. The Council concurred with the findings of the Disciplinary Committee that there is no professional misconduct on the part of the Respondent Architect. **The Council, therefore, dismissed the Complaint.**

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

**ITEM NO.18 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.**

With the Permission of the Chair, Shri Pushkar Kanvinde, Member, drawn the attention of the Council towards arresting of Architect in a Building Accident happened in Pune. He stated that when slab of 13<sup>th</sup> floor was being casted about 8-10 people died and architect was arrested. He, therefore, requested for amendment of Architects (Professional Conduct) Regulations, for protecting interest of architects. The President informed that the Committee on Act Amendment constituted by the Council would be requested to examine the Architects (Professional Conduct) Regulations, 1989.

With the permission of the Chair, Shri Vijay Garg, Vice-President, thanked all the Council members for very fruitful discussions and participation in the deliberations of the Council.

The meeting ended at 7.20 p.m. with a vote of thanks to the Chair.

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