THE DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2005

A

BILL

to further amend the Delhi Municipal Corporation Act, 1957.

Be it enacted by the Legislature of the National Capital Territory of Delhi in the Fifty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Delhi Municipal Corporation (Amendment) Act, 2005.

(2) It shall come into force on such date as the Lieutenant Governor may, by notification in the Official Gazette, appoint.

2. In section 2 of the Delhi Municipal Corporation Act, 1957 (hereinafter referred to in this Act as the principal Act), -

(1) clause (1B) shall be omitted, and

(2) for clause (3), the following clause shall be substituted :

‘(3) “building” means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material, and includes the carrying out of any building, engineering, or other operation in, over, or under, any land, or the making of any material change in any building or land, but does not include any portable shelter.

Explanation. - “material change in any building” shall include demolition of a building or a structure;’.

(3) after clause (28), the following clause shall be inserted :-

‘(28A) “Municipal Building Tribunal” means a Municipal Building Tribunal constituted under section 349J;’.
3. For chapter XVI of the principal Act, the following chapter shall be substituted:

CHAPTER XVI

REGULATION OF BUILDING AND BUILDING USE

331. Notwithstanding anything contained in any other provision of this Act, the Commissioner shall exercise his powers, and discharge his functions, under this chapter under the general superintendence, direction and control of the Central Government.

332. In this chapter, unless the context otherwise requires, -

(a) “advocate” has the same meaning as in the Advocates Act, 1961;

(b) “advocate on record” means an advocate listed in the records of the Corporation under section 349E;

(c) “architect” has the same meaning as in the Architects Act, 1972;

(d) “architect on record” means an architect listed in the records of the Corporation under section 349E;

(e) “building permit” includes deemed building permit and municipal building permit.

Explanation. – “deemed building permit” shall mean a building permit issued by the architect on record under section 335, and “municipal building permit” shall mean a building permit granted by the Commissioner under section 336;

(f) “building use” with all its grammatical variations and cognate expressions means the use of a building or a part of a building or land appertaining to a building or the making of any change in the use of a building or land appertaining to a building;
Explanation. – “building use” includes occupancy of a building;

(g) “conservation” means the maintenance, preservation, reconstruction, and restoration of any heritage building, heritage precinct, heritage natural feature, or place so as to retain its historical, or architectural, or aesthetic, or cultural significance;

(h) “construction engineer on record” means a construction engineer listed in the records of the Corporation under section 349E;

(i) “heritage building” means any building or premises or any part thereof or structure or artifact, which requires conservation or preservation for historical, architectural, artisanal, aesthetic, cultural, environmental, or ecological purpose and includes such portion of land adjoining such building or part thereof or such premises as may be required for fencing or covering or in any manner preserving the historical, architectural, artisanal, aesthetic, cultural, environmental, or ecological value of such building or premises;

(j) “Heritage Conservation Committee” means the Heritage Conservation Committee appointed by the Government under sub-section (2) of section 349C;

(k) “heritage natural feature” means any natural feature of landscape which requires conservation or preservation for historical, architectural, aesthetic, cultural, environmental, or ecological purpose, provided that such feature may be enclosed by walls or other boundaries of a particular area or place or building or by an imaginary line drawn around it;

(l) “heritage precinct” means any space that requires conservation or preservation for historical,
architectural, aesthetic, cultural, environmental, or ecological purpose, whether or not such space is enclosed by walls or other boundaries of a particular area or place or building or by an imaginary line drawn around it;

(m) “Municipal Building Tribunal” means a Municipal Building Tribunal constituted under section 349J;

(n) “person on record” means an advocate on record, or an architect on record, or a construction engineer on record, or a structural engineer on record, or such other person as may be determined under section 349E;

(o) “prescribed” means prescribed by bye-laws;

(p) “preservation” means the maintenance of the fabric or physical features of a building or a place in its existing state and retardation of its deterioration;

(q) “reconstruction” means returning a place as nearly as possible to a known earlier state, distinguished by the introduction of new or old materials into the fabric, but does not include either re-creation or conjectural reconstruction;

(r) “restoration” means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials;

(s) “structural engineer on record” means a structural engineer listed in the records of the Corporation under section 349E.

Meaning of owner.

333. For the purposes of this chapter, “owner” shall, notwithstanding anything contained in clause (37) of section 2, mean a person who has the right and title over a plot, and shall include a lessee in respect of a plot.
334. (1) No person shall undertake any building without obtaining a building permit prior to the commencement of such building except in such cases as may be prescribed. Any building undertaken without a building permit or undertaken after a building permit has lapsed or a building permit has been revoked shall be deemed to be an unauthorized building.

(2) No person shall occupy or make use of any building or part of a building without obtaining a building use permit prior to occupying or making use of such building or part of such building except in such cases as may be prescribed. The use of any building or part thereof without a building use permit or in a manner that does not conform to its sanctioned use or after the building use permit has been revoked shall be deemed to be an unauthorized use of such building or part of such building.

(3) The Commissioner may declare the use of any building to be an unauthorized use if, for reasons to be recorded in writing, the building is considered to be unsafe for habitation or its use is considered to pose a danger to public health or safety.

(4) Notwithstanding anything contained in sub-section (1), or sub-section (2) or sub-section (3), the Commissioner may, on receipt of any information or upon his knowledge that any provision of this Act regulating any building or use of any building or part thereof has been violated, issue an order suspending such building or use of such building or part thereof, pending the determination of such violation.

Deemed building permit to be issued by architect on record in certain cases and his responsibility to file documents and deposit fees with Corporation.

335. Subject to the provisions of section 349E, section 349F, section 349G and section 349H, an architect on record shall issue a deemed building permit in such cases, and in such manner, and shall be responsible for submitting such documents to, and depositing such fee with, the Corporation before issuing the deemed building permit as aforesaid, as may be prescribed.
Provided that the issue of any such deemed building permit under this section shall be subject to review by the Commissioner and if, during such review, it appears to the Commissioner that the deemed building permit has been issued in contravention of any provision of this Act or the bye-laws, the Commissioner may, after giving the architect on record an opportunity of being heard, by an order in writing, revoke such deemed building permit, for reasons to be recorded in such order and, thereupon, the provisions of section 342 shall apply.

336. Except as otherwise provided in section 334 and section 335, the Commissioner shall grant a municipal building permit in all other cases of building on such application, and in such manner, as may be prescribed:

Provided that the Commissioner may, by an order, in writing, refuse to grant a municipal building permit for reasons to be recorded in such order.

337. (1) In the case of any heritage building, any building in heritage precinct, and any heritage natural feature, a building permit shall be granted in accordance with the advice of the Heritage Conservation Committee appointed under sub-section (2) of section 349C:

Provided that no building permit for new construction shall be granted if such heritage building, building in heritage precinct or heritage natural feature is damaged or demolished.

(2) For the removal of doubt, it is hereby declared that -

(a) listing of heritage building, building in heritage precinct, or heritage natural feature under section 349C shall not amount to a prevention of demolition of, or making changes to, such heritage building, building in heritage precinct, or heritage natural feature,
(b) sale and purchase of heritage building, building in heritage precinct, or heritage natural feature shall not require permission from the Corporation or the Heritage Conservation Committee,

(c) in exceptional cases and for reasons to be recorded in writing, the Commissioner may request the Heritage Conservation Committee to reconsider its advice and the decision of the Heritage Conservation Committee on such request shall be final and binding, and

(d) the Heritage Conservation Committee may consider the request referred to in clause (c) for reconstruction of heritage building, building in heritage precinct or heritage natural feature that has been demolished or damaged without building permit:

Provided that the proposed reconstruction shall be of the same size as that of the original building and shall be in such form and style as shall be specified by the Heritage Conservation Committee.

338. (1) If the Commissioner fails to dispose of an application for a municipal building permit under section 336 within the time as may be prescribed, the owner may presume that his application has been refused and may, upon such presumption, make, subject to the provisions of sub-section (3) of section 349K an appeal to the Municipal Building Tribunal.

(2) Upon such appeal, the Municipal Building Tribunal may call for a report from the Commissioner and dispose of the appeal with such direction as it deems fit within a period of one month from the date of the appeal.
339. Notwithstanding anything contained elsewhere in this chapter, the Commissioner may refuse to grant municipal building permit or may revoke a deemed building permit in case of outstanding dues.

Lapse of building permit and revalidation of building permit by architect on record or by Commissioner, as the case may be.

340. A building permit issued under section 335 or granted under section 336, shall lapse automatically if:

(a) the building is not commenced within such period as may be prescribed,

(b) the owner to whom the building permit is granted ceases to be the owner of such land,

(c) the person on record in respect of the building ceases to function as such for whatever reasons, or

(d) the building use permit has been issued or granted under section 343 for the building or part thereof,

and, thereupon, a revalidated building permit may be issued or granted, as the case may be.

341. (1) If any provision of this chapter or the bye-laws is violated, the Commissioner may, by an order in writing and for reasons recorded therein, revoke a building permit.

(2) A fresh building permit may be granted on compliance with the provisions as aforesaid.

342. Where a building permit has lapsed under section 340 or where a building permit has been revoked under section 341, no building in respect of which such building permit has lapsed or has been revoked shall be proceeded with any further.

343. (1) A building use permit shall, on completion, or part completion, of the building, be obtained prior to use being made, of any building or part of a building except where no building permit is necessary for the building.

(2) A building use permit may be -
(a) issued by the architect on record where a deemed building permit has been issued by him or his predecessor architect on record, and

(b) granted by the Commissioner in other cases.

344. (1) If any provisions of this chapter or the bye-laws governing the use of a building or part thereof is violated, the Commissioner may, notwithstanding anything contained elsewhere in this chapter, by an order, in writing and for reasons to be recorded therein, revoke such building use permit.

(2) A building use permit may be revoked for part of a building.

Explanation. – Revocation of a building use permit shall mean that such building use permit is no longer valid and that the Commissioner has withdrawn the permission issued or granted to make use of such building or part thereof, as the case may be.

345. Where a building use permit has been revoked under section 344, no use of the building or the part thereof in respect of which the building use permit has been so revoked shall be made.

346. (1) All buildings including lands on which they are situated shall be subject to inspection by the Commissioner with a view to ensuring compliance with the provisions with respect to building and building use.

(2) Such inspection may be made by the Commissioner at any time without giving any prior notice of his intention so to do.
(3) The owner of the land shall allow any officer or other employee of the Corporation, duly authorized by the Commissioner in this behalf, to enter the land and to inspect any building with a view to ensuring compliance with the provisions of this chapter on building and building use.

(4) For the purposes of sub-section (3), the officer or the other employee of the Corporation as aforesaid may -

(a) enter between sunrise and sunset any place of a building which is not used, or which he has reason to believe is not used, in accordance with the building use permit,

(b) make examination of the premises,

(c) require the production of any document relating to the land and the building,

(d) direct the occupier of such premises or any part of such premises to leave undisturbed (whether generally or in particular respects) such premises or such part of such premises for so long as is necessary for the purpose of any examination under clause (b),

(e) take measurements and photographs and make such recordings as he may consider necessary for the purpose of any examination under clause (b), taking with him any necessary instrument or equipment, and

(f) exercise such other powers as may be prescribed.

347. (1) If there is any contravention of any provision of this chapter relating to building, the Commissioner may, by order in writing, direct the owner of such building to stop building, or to seal such building, or to demolish such building, or may cause such building to be stopped, or sealed, or demolished and to take such other action as he deems fit.
(2) The cost of any action taken by the Commissioner under sub-section (1) shall be recovered from the owner.

Power to give order to stop use of building or to vacate building or to seal building, and to take other action in case of violation of provisions of building use.

348. (1) If there is any contravention of any provision of this chapter relating to the use of any building or part thereof, the Commissioner may, by order in writing, direct the owner or the occupier of such building or such part thereof to stop use of such building or such part of such building or to vacate such building or such part of such building, or may cause the owner or occupier thereof to stop use of such building or to vacate such building or part thereof, or may himself seal such building or such part of such building, and take such other action as he deems fit.

(2) The cost of any action taken by the Commissioner under sub-section (1) shall be recovered from the owner or the occupier, as the case may be.

Power to give order to stop use, or to vacate, or to seal, building or part thereof, or to demolish building or part thereof, and to take other action, in case of building posing danger to life and property.

349. (1) If any building or part thereof poses a danger to life and property, the Commissioner may, by order in writing, direct the owner or the occupier of such building to stop use of such building or part thereof, or to vacate such building or part thereof, or may cause the owner or the occupier to stop use of such building or part thereof, or to vacate such building or part thereof, or may himself seal such building or part thereof, or may demolish such building or part thereof, and take such other action as he deems fit.

(2) The cost of any action taken by the Commissioner under sub-section (1) shall be recovered from the owner or the occupier, as the case may be.

Offences to be cognizable.

349A. The provisions of the Code of Criminal Procedure, 1973, shall apply to an offence under sections 345, 347, 348 and 349 as if such offence were a cognizable offence.

Grant of variance, and constitution of Variance Committee and manner of functioning thereof.

349B. (1) For the purposes of this Act, “to grant a variance” shall mean to grant permission to dispense with the provisions of any specific bye-law.
The power to grant a variance or to revoke a variance shall vest in the Variance Committee to be constituted by the Government.

The power to clarify, or to interpret, bye-laws shall vest in the Variance Committee.

The power to make additions to, or deletions from, the Schedules, and the Forms appended, to the bye-laws shall vest in the Variance Committee.

The Variance Committee shall consist of the Commissioner, who shall be the Chairman, and such other members, not exceeding eight, having such qualifications as may be prescribed, to be nominated by the Government in consultation with the Corporation.

The Variance Committee shall function in such manner as may be prescribed.

A list of heritage buildings, heritage precincts and heritage natural features shall be prepared by the Commissioner on the advice of the Heritage Conservation Committee. Such list shall be finalized only after invitation and consideration of objections and suggestions of the public.

Explanation. – (a) When a building or group of buildings or natural features is listed, it shall automatically mean (unless otherwise indicated) that the entire property including its entire compound or plot boundary along with all subsidiary structures and artifacts within the compound or the plot boundary, as the case may be, are part of the list.

(b) Such list may be a graded list.
(c) Such list may include buildings (including, but not limited to, building artifacts and structures), precincts (including, but not limited to, streets, areas of historic, aesthetic, architectural and cultural value), and natural features of environmental significance and scenic beauty (including, but not limited to, sacred groves, hills, hillocks, water bodies, and the areas adjoining the same, open areas, wooded areas, points, walks, rides, and bridle paths).

(2) The Heritage Conservation Committee shall be appointed by the Government and shall comprise of -

(a) Additional Secretary
Ministry of Urban Development and Poverty Alleviation .. Chairman

(b) Additional Director
General (Architecture)
Central Public Works Department .. Member

(c) Structural Engineer
having ten years’ experience as such and membership of the Indian Institute of Engineers, India .. Member

(d) Architect having ten years’ experience as an urban designer or conservation architect .. Member

(e) Environmentalist having ten years’ in-depth knowledge and experience as such .. Member

(f) Historian having knowledge of the region and ten years’ experience as such .. Member
(g) Natural historian having ten years’ experience as such

(h) Chief Planner, Town and Country Planning Organization, Government of India

(i) Chief Town Planner of the Corporation

(j) Commissioner (Planning) Delhi Development Authority

(k) Chief Architect New Delhi Municipal Council

(l) Representative of the Director General of the Archeological Survey of India

(m) Secretary Delhi Urban Arts Commission

(3) The Heritage Conservation Committee shall -

(a) prepare a list of heritage buildings, heritage precincts, and heritage natural features for which building permits shall be granted on the advice of the said Committee,

(b) determine guidelines and conservation principles or maintenance requirements of heritage buildings, heritage precincts or heritage natural features,

(c) advise the Commissioner whether, and on what conditions, the building permit may be granted for heritage buildings, heritage precincts or heritage natural features,
(d) invite and consider objections and suggestions from the public before tendering advice under subsection (1) of section 337 for grant of building permit in cases where it deems necessary,

(e) advise the Commissioner on incentives that may be offered for conservation of heritage buildings, heritage precincts or heritage natural features,

(f) advise the Commissioner whether any building bye-laws require relaxation, modification, or alteration for furthering conservation of heritage buildings, heritage precincts or heritage natural features,

(g) recommend to the Commissioner guidelines to be adopted by private parties or public agencies sponsoring conservation programmes for heritage buildings, heritage precincts or heritage natural features,

(h) advise the Commissioner on any other issues as may be required for conservation of heritage buildings, heritage precincts or heritage natural features, and

(i) appear before the Government, either independently or through, or on behalf of, the Commissioner in cases of appeals under this Act for heritage buildings, heritage precincts or heritage natural features.

(4) The manner of functioning of the Heritage Conservation Committee shall be such as may be determined by the Government.
(a) obtain a building permit prior to the commencement of construction,

(b) be responsible for ensuring that the building complies with the provisions of the bye-laws,

(c) appoint such persons on record as may be necessary,

(d) obtain a building use permit prior to making use of a building or any part thereof, and

(e) ensure that no building is undertaken after the building permit has lapsed or has been revoked.

(2) The owner as aforesaid shall have such additional responsibilities as may be prescribed.

349E. The Corporation shall, either on its own or through such agency as it may appoint on such terms and conditions as it may determine, list as persons on record -

(a) advocates,

(b) architects,

(c) construction engineers,

(d) structural engineers, and

(e) such other persons, as may be determined by the Corporation

in the records of the Corporation in such manner, upon submission of such application, on payment of such fee and security deposit, and subject to fulfilling such qualifications and conditions, as may be prescribed.
349F. The Corporation shall, either on its own or through such agency as it may appoint on such terms and conditions as it may determine, define minimum qualifications and requirements of competence for advocates, architects, construction engineers and structural engineers and other persons as may be determined by the Corporation, for being considered for listing on its records.

349G. The Corporation shall, either on its own or through such agency as it may appoint on such terms and conditions as it may determine, define responsibilities of advocates, architects, construction engineers, structural engineers and other persons as may be determined by the Corporation.

349H. The Corporation shall, either on its own or through such agency as it may appoint on such terms and conditions as it may determine, -

(a) define procedures for ascertaining whether a person on record has failed to fulfil his duties and responsibilities after giving him an opportunity of being heard in such manner as may be prescribed,

(b) determine penalties for failing to discharge his duties and responsibilities,

(c) de-list him from the records of the Corporation and, thereupon, he shall cease to be advocate on record, architect on record, construction engineer on record, structural engineer on record, and other person on record, as the case may be,

(d) define procedures for establishing responsibility on specific individuals for structural failure of a building, and

(e) determine penalties.

349I. The Corporation shall, under any law for the time being in force, establish or constitute a professional and service provider rating agency for performing such duties as the Commissioner may
prescribe for the purposes of listing and rating of advocates, architects, construction engineers, and structural engineers, and such other persons as the Commissioner may consider necessary.

349J. (1) The Government shall, by notification in the Official Gazette, constitute one or more Municipal Building Tribunals with headquarters at Delhi for deciding appeals preferred under section 349K.

(2) A Municipal Building Tribunal shall consist of a Chairperson who is or has been a member of the Higher Judicial Service of a State or a Union Territory for a period of not less than five years and one Architect or a Town Planner who has been in professional practice for a period of not less than twenty years and having such academic qualifications as may be prescribed, to be appointed by the Government on such terms and conditions of service as may be provided by rules.

(3) The Government shall, by notification in the Official Gazette, define the territorial limits within which a Municipal Building Tribunal shall exercise its jurisdiction, and where different Municipal Building Tribunals have jurisdiction over the same territorial limits, the Government shall also provide for distribution and allocation of work to be performed by each such Tribunal.

(4) For the purpose of enabling a Municipal Building Tribunal to discharge its functions under this Act, it shall have a Registrar and such other staff, and on such terms and conditions of service, as may be provided by rules:

Provided that the Registrar and the other staff may be employed jointly for all or any number of Municipal Building Tribunals in accordance with the rules.
Any person, aggrieved by any notice issued, or any order made, under this Act, may prefer an appeal against such notice or order, as the case may be, to the Municipal Building Tribunal.

Any appeal under this section shall be preferred within a period of thirty days from the date of the notice or, as the case may be, the date of the order appealed against:

Provided that the Municipal Building Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not preferring the appeal within the said period.

An appeal to the Municipal Building Tribunal shall be made in such Form, along with such documents, and shall be accompanied by such fees, as may be provided by rules.

If any owner or occupier of a plot which is adjacent to, or in the neighbourhood of, any other plot (hereinafter referred to in this section as the other plot), feels that his living environment is adversely affected by an unlawful building in the other plot, he may report to the Commissioner, in writing, for such action as the Commissioner may deem fit.

If the Commissioner fails to take any action within five working days from the date on which such person reports to the Commissioner under sub-section (1), such person may prefer an appeal to the Municipal Building Tribunal.

An appeal to the Municipal Building Tribunal under this section shall be made in such Form, and shall be accompanied by such documents and fees, as may be provided by rules.

An appeal under this section shall be disposed of by the Municipal Building Tribunal in such manner as may be provided by rules.
349M. (1) The Municipal Building Tribunal may, after giving the parties to an appeal under this chapter an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying, or annulling the order or the notice appealed against or may refer the case back to the authority or officer against whose order or notice the appeal is preferred, for a fresh order or notice, as the case may be, after taking additional evidence, if necessary, or direct such other action as the Municipal Building Tribunal may specify:

Provided that in the case of an appeal under section 349L, the Municipal Building Tribunal may, after giving the parties concerned an opportunity of being heard, pass such order as it may deem fit.

(2) The Municipal Building Tribunal shall send a copy of every order passed by it to the parties to the appeal.

(3) No Municipal Building Tribunal shall, in any appeal pending before it in respect of any order or notice under this chapter, make an interim order (whether by way of injunction or stay) against the Corporation or against any officer or other employee of the Corporation, acting, or purporting to act, in his official capacity, unless an opportunity is given to the Corporation or such officer or other employee, as the case may be, to be heard in the matter:

Provided that the Municipal Building Tribunal may, without giving an opportunity as aforesaid, make an interim order as an exceptional measure, if, for reasons to be recorded in writing, it is satisfied that it is necessary so to do for preventing any loss which cannot be adequately compensated in money being caused to the person preferring the appeal:

Provided further that every such interim order shall, if not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which such
interim order is made unless, before the expiry of the said period, the Municipal Building Tribunal confirms or modifies such interim order after giving the Corporation or such officer or other employee of the Corporation, as the case may be, an opportunity of being heard.

(4) Subject to such rules as the Government may make in this behalf, the award of damages in, and of costs incidental to, any appeal before a Municipal Building Tribunal shall be in the discretion of such Municipal Building Tribunal, and such Municipal Building Tribunal shall have power to determine by whom, to whom, to what extent, and subject to what conditions, if any, such damages or costs are to be paid, and to give in the order disposing of an appeal necessary directions for the purposes as aforesaid.

(5) An order of the Municipal Building Tribunal made under this section may be executed by it on an application by the person in whose favour the order has been made.

(6) The Municipal Building Tribunal shall, while hearing and deciding any appeal, or executing any order, follow such procedure as may be provided by rules.

(7) Every Municipal Building Tribunal shall, in addition to the powers conferred on it by or under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters:-

(a) summoning and enforcing the attendance of persons and examining them on oath,

(b) requiring the discovery and inspection of documents,

(c) receiving evidence on affidavits,

(d) requisitioning any public record or copies thereof from any court or office,
(e) issuing commissions for the examination of witnesses or documents, and

(f) any other matter which may be provided by rules,

and every proceeding of a Municipal Building Tribunal in hearing or deciding an appeal or in connection with the execution of its order shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228, and for the purposes of section 196, of the Indian Penal Code, and every Municipal Building Tribunal shall be deemed to be a civil court for the purposes of section 195, and chapter XXVI, of the Code of Criminal Procedure, 1973.

349N. (1) An appeal shall lie to the Administrator against an order of the Municipal Building Tribunal made in an appeal under section 349K and section 349L.

(2) The provisions of sub-section (2), and sub-section (3), of section 349K and section 349L and the rules made thereunder shall, so far as may be, apply to the filing and disposal of an appeal under this section as they apply to the filing and disposal of an appeal under the said sections.

(3) An order of the Administrator on an appeal under this section shall be final.

349-O. (1) After the commencement of section 3 of the Delhi Municipal Corporation (Amendment) Act, 2005, no court shall entertain any suit, application or other proceedings in respect of any order or notice applicable under any provision of chapter XVI as in force immediately before the commencement of the Delhi Municipal Corporation (Amendment) Act, 2005, and no such order or notice shall be called in question otherwise than by preferring an appeal under the corresponding provisions, if any, of chapter XVI, as amended by the Delhi Municipal Corporation (Amendment) Act, 2005.
(2) Notwithstanding anything contained in sub-section (1), every suit, application, or other proceeding pending in any court immediately before the commencement of section 3 of the Delhi Municipal Corporation (Amendment) Act, 2005, in respect of any order or notice applicable under any provision of the said Act, shall continue to be dealt with and disposed of by that court as if the said Act had not been brought into force.

349P. (1) The Government may, by notification in the Official Gazette, make bye-laws for carrying out the provisions of this Chapter:

Provided that all bye-laws made by the Corporation under paragraph F of sub-section (1) of section 481 as it stood immediately before the commencement of the Delhi Municipal Corporation (Amendment) Act, 1993, and in force immediately before such commencement, shall be deemed to have been made under the provisions of this section and shall continue to have the same force and effect after such commencement until they are amended, varied, rescinded or superseded under the provisions of this section.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters which, under any provision of this chapter, is required to be prescribed.

(3) The draft of the bye-laws referred to in sub-section (1) shall be forwarded to the Commissioner, who shall cause it to be published in the Official Gazette for inviting objections and suggestions from the public within thirty days from the date of such publication.

(4) The Commissioner shall forward the draft bye-laws to the Government along with his recommendations and the objections and suggestions, if any, received from the public, within three months of their publication in the Official Gazette.
(5) The Government may issue such directions to the Commissioner as it thinks fit for ensuring proper implementation of the bye-laws made under this section.

(6) The Government shall, once in every five years, undertake a review of the bye-laws made under this section and shall make such revisions therein as may be considered necessary.

4. In section 361 of the principal Act, -

   (1) in sub-section (1), for the words “to erect any building”, the words “to undertake any building” shall be substituted,

   (2) in sub-section (3), for the words “to erect a residential building”, the words “to undertake any residential building” shall be substituted, and

   (3) sub-section (4) shall be omitted.

5. For chapter XXI of the principal Act, the following chapter shall be substituted:

   ‘CHAPTER XXI

   LOCAL AREA PLAN

   425. (1) The Corporation may prepare one or more Local Area Plans for Delhi:

   Provided that the Corporation may also prepare, subject to the provisions of this chapter, a Local Area Plan on the basis of any petition by the residents of any area within the jurisdiction of the Corporation.

   (2) A Local Area Plan may be prepared in accordance with the provisions of this Act in respect of any land which is -

   (a) vacant, or

   (b) in the course of development, or

   (c) already built upon.