

MINUTES OF THE 63RD MEETING OF THE COUNCIL OF ARCHITECTURE, HELD ON FRIDAY, 6TH FEBRUARY, 2015, AT 11.00 A.M. IN CONFERENCE HALL, HOTEL RAVIKIRAN, REWAS ROAD, ALIBAUG, DIST. RAIGAD, MAHARASHTRA.

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 R. Mishra
5. Shri Inderjeet S. Bakshi
6. Shri Balbir Verma
7. Shri Durlav C. Saikia
8. Smt. Sunita Monga
9. Shri N. Gitkumar Singh
10. Shri O. P. Gurnani
11. Smt. Sapna
12. Smt. Usha Kasana
13. Smt. Sumit Kaur
14. Shri Amogh K. Gupta
15. Shri H. K. Mittal
16. Shri A. D. Shirode
17. Shri Jitendra Singh
18. Shri P. D. Dhanjibhai
19. Shri C. V. Dileep Kumar
20. Shri V. C. Mongra
21. Shri R. Radhakrishnan
22. Shri Virender K. Pant
23. Shri Ashish K. Rege
24. Shri Biswaranjan Nayak
25. Shri D. T. Vinod Kumar
26. Shri Subir K. Basu
27. Shri D. V. Solomon
28. Shri Milind Kollegal
29. Shri Mitesh J. Kalola
30. Shri D. Vijaya Kishore
31. Shri Sadiqu Ali D. A.
32. Shri R. K. Kausal
33. Shri K. Pathrachalam

IN ATTENDANCE:

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

The following members were granted leave of absence:

1. Shri Kiran S. Mahajani
2. Shri B. M. Sankhe
3. Shri Sukirt Chatterjee
4. Shri G. K. Bysack
5. Shri Rajesh Singh
6. Smt. Kamala Devi
7. Shri Zavishio W. Khieya
8. Smt. Geetal Khulbe
9. Shri Dulal C. Mukhopadhyay
10. Smt. Amita Singh
11. Shri Bansan S. Thangkhiew
12. Shri T. K. Dwari
13. Shri George Lalzuia
14. Shri Dawa Tsering
15. Shri Arvind K. Ahirwar
16. Shri Rajeev Chadda
17. Smt. Devika R. Sharma

At the outset, the President welcomed the members attending the meeting with special mention of members attending the Council meeting for the first time. The President also extended New Year greetings to all the members. The President requested all the members to introduce themselves. Thereafter the regular agenda of the meeting was taken up.

ITEM NO.1 CONFIRMATION OF THE MINUTES OF THE 62ND MEETING OF THE COUNCIL HELD ON 2ND SEPTEMBER, 2014 AT NEW DELHI.

The minutes of 62nd meeting of Council held on 2nd September, 2014 at New Delhi, were circulated to all the Council members on 15th September, 2014. Views/comments were received from Shri D. T. Vinod Kumar and Shri Balbir Verma, members of the Council. The President informed the members that these were individual views of the concerned Members and hence not recorded in Minutes. The correction pointed out in Item No.11 of word “and” has been incorporated.

The minutes as confirmed by the Council were signed by the President.

ITEM NO.2 TO TAKE NOTE OF THE ACTION TAKEN REPORT ON THE MINUTES OF THE LAST MEETING OF THE COUNCIL HELD ON 2ND SEPTEMBER 2014.

The Council members noted the action taken report as placed at Appendix B of the Agenda. The Council members desired that the Central Government be requested to make public the report of Ar. J. R. Bhalla Committee on Amendments to the Architects Act, 1972.

The President informed the members that in terms of the Resolution of the Council he had requested the Hon’ble Prime Minister of India for allocation of Council of Architecture to Ministry of Urban Development or for having separate Ministry of Architecture in the Government of India. The PMO has referred this matter to Ministry of Urban Development, Govt. of India.

The President also informed the members that he had also written to the Hon’ble Prime Minister for issuing appropriate directions regarding problems faced by Government Architects and this matter has also been referred by PMO to Ministry of Urban Development, Govt. of India.

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

The Council perused the list of Defaulter Architects and approved the action taken by Officiating Registrar for restoring names of 587 Defaulting-Architects’ whose names were restored to the Register of Architects on receipt of requisite fee during the period 11.08.2014 to 12.01.2015.

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

The Council removed the names of the following Architects at their request as provided under Section 29(1)(a) of the Architects Act, 1972 and resolved as under:

Resolution No.455

Resolved that :

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

- 1) Shri S. N. Karkhanis, Pune (CA/75/910);
- 2) Shri Noshir Adel Kharas, Mumbai (CA/75/783);
- 3) Ms. Suparna Ganguly, Kolkata (CA/96/20106);
- 4) Shri Mahohar V. Phatak, Pune (CA/83/6579);
- 5) Shri D. D. Mistry, Glastonbury, USA (CA/79/4968);
- 6) Shri P. P. Patekar, Thane (CA/84/8688);
- 7) Shri P. L. Natu, Pune (CA/86/10128);
- 8) Ms. Reenu Acha John, Kottayam, (CA/2010/49165);
- 9) Shri Lalit T. Patel, Mumbai (CA/75/1495);
- 10) Shri V. V. Kanade, Pune (CA/81/6103); and
- 11) Shri K. S. Raghav, Chennai (CA/78/4604).

Further, the Council noted with grief passing away of the Architects as listed in the Agenda. The Council members expressed deep condolences to the families of the deceased Architects and observed one minute 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.456

Resolved that :

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

- 1) Shri M.S. Kanitkar, Pune (CA/75/1564);
- 2) Shri Satya Paul Nayar, New Delhi (CA/76/2391);
- 3) Shri D. K. Vaidya, Thane (CA/75/488);
- 4) Shri D. Prabhakar, Mumbai (CA/75/2251);
- 5) Shri M. C. Tendulkar, Mumbai (CA/75/2253);
- 6) Shri S. V. Kunte, Thane (CA/75/660);
- 7) Shri R.H. Vadekar, Kalyan (CA/75/1947);

- 8) Shri Rolindro Dkhar, Shillong (CA/77/3942);
- 9) Shri R. M. Bohra, Mumbai (CA/82/7131);
- 10) Shri S. Gurunathan, Chennai (CA/78/4676);
- 11) Shri K. K. Seth, New Delhi (CA/76/3200);
- 12) Shri J. R. Kamath, Uttar Kanada (CA/85/9252);
- 13) Shri G. P. Patvardhan, Ratnagiri (CA/84/8473);
- 14) Shri P. G. Aras, Indore (CA/87/10895);
- 15) Shri Rishi Raj , Roorkee (CA/83/7737)
- 16) Shri S. Nijhwan, Delhi (CA/83/7748)
- 17) Shri Kewal Thakkar, Mumbai (CA/88/11509)
- 18) Shri N. H. Dharangdharia, Bhopal (CA/75/11)

ITEM NO.5 TO GRANT OPPORTUNITY OF HEARING TO FOLLOWING ARCHITECTS FOUND GUILTY OF PROFESSIONAL MISCONDUCT UPON REPORT BY DISCIPLINARY COMMITTEE.

The President informed the members that in terms of Section 30 of the Architects Act, 1972, after hearing the concerned Architect(s), the Council is required to pass Order against Architects found guilty of professional misconduct. Accordingly, it was decided at the last meeting of the Council to summon following Architects to provide them opportunity of hearing:

Accordingly, the Council Ordered as under:

I) CA/DC/299 – Ar. Subhash C. Duggal, Chandigarh

The Respondent Architect expressed his inability to appear for hearing before the Bar of the Council due to his old age and ill health. The Council, therefore, adjourned the hearing to its next meeting.

II) CA/DC/308 – Ar. Jibu John, Kerala

Two advocates appeared on behalf of the Respondent Architect and informed that Ar. Jibu John was ill and submitted medical certificate of a doctor. The Council, therefore, adjourned the hearing to its next meeting.

III) CA/DC328 – Ar. Dinesh Kumar Sharma, New Delhi

Shri Dinesh Kumar Sharma, Architect, appeared before the Bar of the Council and defended himself. He also presented certain additional information/ documents which he could not submit before the Disciplinary Committee. The Council, therefore, referred the matter back to Disciplinary Committee for further investigation and making report to Council.

IV) CA/DC/333, 334, 335, 336 – Ar. Sailee Sankpal, Mumbai

The Respondent Architect Smt. Sailee Sankpal, Architect, Mumbai, appeared before the Bar of the Council. She stated that the area calculations were not signed by her but by her husband who is not an architect. Earlier they were practicing together and which they have stopped now. The project was purely re-development project and MHADA and Corporations were involved. She stated that area calculations may differ depending on method of calculations and additions and alterations made by the occupants.

She produced the area calculation certificate dated 10.10.2004, which was signed by their staff on behalf of her husband.

After detailed deliberations in the matter, the Council reviewed the entire matter and Ordered that Respondent Architect is not guilty of professional misconduct, as alleged; as she has not signed area calculate Certificate herself and the area calculations may change depending on the method of calculations. The Council cautioned the Respondent Architect that she should not practice Architecture with a non-Architect.

The Council, accordingly dismissed the Complaint and decided that Complainant(s) and Respondent Architect be informed accordingly.

V) CA/DC/351 – Ar. Harish D. Gandhi, Mumbai

The Respondent Architect appeared before the Bar of the Council. He stated that was appointed in 1995 by the developer. There were three buildings. He has done everything as per requirement of developer. He further stated that he has merely attested a document given by Developer for submission to the Corporation. Whether that document is true or not is not in the scope or responsibility of the Architect.

He also informed that he sought adjournment of the last hearing of Disciplinary Committee which he could not attend due to urgent work.

The Council after detailed deliberations in the matter referred the matter back to the Disciplinary Committee for further detailed investigations in order to afford final opportunity of hearing to the Respondent Architect before Disciplinary Committee.

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

VI) CA/DC/354 – Ar. Navdeep Gupta, Lucknow

The Respondent Architect sent an e-mail dated 29.01.2015 and also submitted a letter by hand on 02.02.2014, stating that his father would

undergo major surgery on 04.02.2015 and he would not be able to leave the town for couple of next days.

The Council, therefore, adjourned the hearing to its next meeting.

ITEM NO.6 TO TAKE NOTE OF THE AMENDMENTS IN THE COUNCIL OF ARCHITECTURE RULES, 1973 BY THE CENTRAL GOVERNMENT FOR REVISION OF FEES TO BE CHARGED BY THE COUNCIL.

The Council Members noted the fee structure as approved by the Central Government vide gazette notification dated 6th August, 2014 and observed that the same is at lower side.

The Council Members also noted that an Appeal dated 18.12.2014 has been sent to the Secretary, MHRD for enhancement of the same as the revision effected in various fees is too low.

ITEM NO.7 TO TAKE NOTE OF THE CALCUTTA HIGH COURT JUGEMENT IN THE MATTER OF COMPETENCY TEST CONDUCTED BY THE COUNCIL FOR CANDIDATES POSSESSING ASSOCIATE MEMBERSHIP OF IIA (BY EXAMINATION).

The President informed the members that in terms of the decision of the Council taken at its 60th Meeting held on 27.08.2013, a Competency Test was held on 7th and 8th February, 2014, at New Delhi, for Candidates who have passed the Associate Membership of IIA by Examination after July 2002. Out of total 104 candidates 56 candidates appeared in the Examination. However, some of the candidates who did not appear in the examination have filed writ petitions against the Council before Hon'ble Delhi High Court, Andhra Pradesh High Court and Calcutta High Court, challenging the conduct of Competency test by Council.

The Hon'ble Calcutta High Court vide order dated 10.11.2014 has concluded that the Council of Architecture has no statutory power to conduct Competency Test.

The President further informed that an Appeal has been filed by the Council before the Division Bench of Calcutta High Court against the order of Single Judge and the Division Bench has stayed the order of Single judge on 05.02.2015. The President assured the members that the Council shall abide by the Orders of the Court.

ITEM NO.8 TO TAKE NOTE OF CONSTITUTION OF COMMITTEE BY MINISTRY OF HUMAN RESOURCE DEVELOPMENT, GOVT. OF INDIA, FOR EXAMINING THE PROPOSAL OF THE COUNCIL ON AMENDMENTS TO THE ARCHITECTS ACT, 1972.

The President informed the members that a detailed proposal for Comprehensive Amendments in the Architects Act, 1972 was submitted by the Council to the Ministry of HRD.

The Ministry constituted a Committee under the Chairmanship of Ar. J. R. Bhalla, former President of the Council. The President further informed that Prof. I.J.S. Bakshi was nominee of the Council on the Committee and he also attended all the meetings as a Special Invitee. The Committee has recently submitted its report to the Ministry for further action.

The Council members desired that a request be sent to the Ministry to make the report public so that the same can be perused by the concerned stakeholders.

ITEM NO.9 TO TAKE NOTE OF THE REVIEW PETITION FILED BY THE COUNCIL OF ARCHITECTURE AGAINST THE DIVISION BENCH ORDER DATED 04.04.2014, OF MADHYA PRADESH HIGH COURT AT JABALPUR, EQUATING COMPETENCE OF ENGINEERS WITH ARCHITECTS.

The Council Members noted that consequent upon filing of Review Petition by the Council in the matter the Hon'ble Court has recalled its order. The members appreciated the efforts made by the Office of the Council in the matter.

ITEM NO. 10 TO TAKE NOTE OF THE SPECIAL LEAVE PETITION (CIVIL) FILED BY THE COUNCIL AGAINST THE ALLAHABAD HIGH COURT ORDER DATED 19.02.2014 HOLDING THAT ARCHITECTS ACT IS NOT APPLICABLE IN SERVICE JURISPRUDENCE.

The Council members noted that Hon'ble Supreme Court of India has issued notices to the Respondents on the SLP filed by the Council and Shri Mukesh Goyal against the orders of Division Bench of Allahabad High Court regarding interpretation of the provisions of the Architects Act, 1972.

ITEM NO.11 TO TAKE NOTE OF THE ORDER DATED 19.12.2014 OF HON'BLE CALCUTTA HIGH COURT CIRCUIT BENCH AT PORT BLAIR REGARDING WRIT PETITION FILED SHRI R. RAMESH KUMAR, ARCHITECT AND FORMER MEMBER OF THE COUNCIL.

The Council members perused the judgement dated 19.12.2014 of Hon'ble Calcutta High Court, Portblair Bench, which quashed the circular dated 13.12.2013 issued by Chief Engineer, Andman and Nicobar PWD, issued contrary to CPWD/ PWD Manual divesting Senior Architect from the power of issuing completion certificate. The Members appreciated the efforts made by Shri Ramesh Kumar, former Member of the Council in the matter.

ITEM NO.12 TO TAKE NOTE OF ENHANCEMENT OF SITTING FEE OF COUNCIL MEMBERS.

The Council members noted that enhanced sitting fees of Rs.2,000/- has been implemented consequent upon receipt of no objection from the Central Government for the same in terms of Section 11 of the Act.

ITEM NO.13 TO TAKE NOTE OF THE ORDERS OF HON'BLE METROPOLITAN MAGISTRATE ON THE COMPLAINTS FILED BY THE COUNCIL FOR VIOLATIONS OF THE ARCHITECTS ACT, 1972.

The Council members noted the orders of Hon'ble Metropolitan Magistrate against the persons who violated the Architects Act and appreciated the efforts made by the Office of the Council in the matter.

ITEM NO.14 TO CONSIDER THE REPORTS OF DISCIPLINARY COMMITTEE IN RESPECT OF CASES REFERRED TO IT FOR DETAILED INVESTIGATION AS PER COA RULES.

In terms of the Council of Architecture Rules, 1973, several complaints for alleged professional misconduct against Architects, wherein the Council was of prima facie opinion that there was a case against the Respondent Architect(s), were referred to Disciplinary Committee for detailed investigation.

The Disciplinary Committee submitted its report in respect of certain cases examined by it. The Council perused the reports of Disciplinary Committee and upon detailed deliberation and application of its mind resolved as under :

Resolution No.457

Resolved that :

- i) CA/DC/320: As regards the complaint filed by M/s. Adlabs Films Ltd. Mumbai against Shri Eranna Yekboke, Architect, the Council accepted the report of the Disciplinary Committee and dismissed the complaint as withdrawn.
- ii) CA/DC/325: As regards the complaint filed by Shri K. C. Keshap, Noida against Shri Akshay Shrinagesh, New Delhi, the Council upon detailed deliberation in the matter referred back the matter to Disciplinary Committee for further investigation and report to Council.
- iii) CA/DC/355: As regards the complaint filed by Shri Sudhir Diwan against Shri Kishore Parkar, Architect, the Council upon detailed deliberation in the matter referred back matter to Disciplinary Committee for further detailed investigation.
- iv) CA/DC/364 : As regards the complaint filed by Shri Suhas Samant, Deputy City Engineer, Thane Municipal Corporation against Shri Arun Kumar Thakkar, Architect, the Council upon detailed deliberation in the matter referred back matter to Disciplinary Committee for further detailed investigation.

- v) CA/DC/366 As regards the complaint filed by Dy. Chief Engg (B.P.) ES, Municipal Corporation of Greater Mumbai against Shri Jayant A. Salvi, Architect, the Council upon detailed deliberation in the matter referred back matter to Disciplinary Committee for further detailed investigation.
- vi) CA/DC/378: As regards the complaint filed by Shri Bharat C. Suthar against Ms. Preeti Dalvi, Architect, the Council upon detailed deliberation in the matter referred back matter to Disciplinary Committee for detailed investigation.
- vii) CA/DC/380: As regards the complaint filed by Shri Adesh J. Jani against Shri V. B. Sambrekar, Architect, the Council upon detailed deliberation in the matter referred back matter to Disciplinary Committee for detailed investigation.
- viii) CA/DC/313/314/315: As regards the complaints filed by Late Shri Mohandas Kalipurayath, Architect, against Shri R. K. Ramesh Kumar, Shri S. Gopakumar and Shri Koshy K. Alex, Architects, the Council accepted the report of the Disciplinary Committee that there is no professional misconduct on the part of the concerned Respondent Architects as the Council has not detailed any scale of charges for partial services. The Council thus dismissed the Complaint.

Accordingly, complainant(s) and the respondent architects be informed of the above decision(s) of the Council.

ITEM NO.15 TO CONSIDER COMPLAINTS FOR ALLEGED PROFESSIONAL MISCONDUCT RECEIVED 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.:458

Resolved that :

- i) (CA/DC/382) Before taking up this matter Shri Rajeev Mishra member of the Council who is Respondent in the matter was asked to leave the meeting hall for this item by the President.

With regard to the complaint filed by Shri Amit Borukar against Shri Rajeev Mishra, Architect, the Council opined that there exists a prima facie case against the Respondent Architect and referred the matter to 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.

It was further decided to investigate the authenticity of the Competition and seek clarification from the Assessors/ Participants of the Competition.

Thereafter, Shri Rajeev Mishra was invited to continue to attend the meeting.

- ii) (CA/DC/383) With regard to the complaint filed by Shri Patil J. Shivjirao, Kolhapur against Shri Anil Ghatge, Architect, Kolhapur and Shri Vijay V. Khade, Architect, Kolhapur, the Council opined that there exists a prima facie case against the Respondent Architect because the Respondent Architects have taken up the architectural work in respect of erecting building of “Deep Public School” on the basis of grant of conditional temporary permission. 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 Complainant and the Respondent Architect shall be informed of the decision of the Council.
- iii) (CA/DC/387) With regard to the complaint filed by Shri Simon Pereira, Mumbai, against Shri Praful Sahane, Architect, Mumbai, the Council opined that the matter is sub-judice and hence decided to keep same in abeyance.
- iv) (CA/DC/388) With regard to the complaint filed by Shri M.B. Suthar, Mumbai, against Shri Shantanoo V. Rane, Architect Mumbai, the Council opined that there is no case of professional misconduct as alleged as no guilt of Respondent Architect of committing any breach of law has been held by any court of law. The Council accordingly dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.
- v) (CA/DC/390) With regard to the complaint filed by Shri B.S. Yadav, Mumbai, against Smt. Maya Vaidya, Architect, the Council opined that there is no case of professional misconduct as alleged because (i) there is no delay on the part of Architect and delay is more because of court cases and non-cooperation of Slum dwellers, (ii) The Architect has carried out his duties and applied for completion certificate after obtaining all external and internal agencies completion report, and (iii) there is no complaint from occupant families of concerned SRA. The Council accordingly

dismissed the complaint. The complainant and respondent architect be informed of the decision of the Council.

vi) (CA/DC/391) With regard to the complaint filed by Shri Ankush Gupta, Delhi against Ms. Meenakshi Mittal, Architect, the Council opined that there is no case of professional misconduct as alleged because the Respondent Architect has only given her opinion on visual and functional qualities of a material used in construction by her clients and she gave her inspection report only after first lot of tiles came. The Council accordingly dismissed the complaint. The complainant and respondent architect be informed of the decision of the Council.

vii) (CA/DC/392) With regard to the complaint filed by Shri Ramesh R. Chavan against Shri S. K. Parab, Architect, Mumbai, the Council opined that there is no case of professional misconduct as alleged because complaint related to some dispute between the complainant and the Respondent Architect and same do not fall within the purview of the Council.

The Council accordingly dismissed the complaint. The complainant and respondent architect be informed of the decision of the Council.

viii) (CA/DC/393) With regard to the complaint filed by Shri Santosh Waghmare, Mumbai, against Shri Shivaji Raosaheb, Architect, Navi Mumbai, the Council opined that there is no case of alleged professional misconduct against the Respondent Architect because as per documents in complaint Respondent Architect was not responsible for any illegal construction, if at all exists. Carrying out construction as per the approved plans/ commencement certificate is the responsibility of the owner and/or contractor and not the Architect.

The Council accordingly dismissed the complaint. The complainant and respondent architect be informed of the decision of the Council.

ix) (CA/DC/394) With regard to the complaint filed by Shri Prabhakar R. Vaze, Pune against Shri Sanjeev Oak, Architect, Pune, the Council opined that there is no case of professional misconduct against the Respondent Architect as Respondent Architect has acted as per the Rules/ Regulations and Bye-laws. The matter appears to be a family dispute and if at all there is any illegal construction by the co-owners brothers of the Complainant, Respondent Architect cannot be held responsible.

The Council accordingly dismissed the complaint. The complainant and respondent architect be informed of the decision of the Council.

x) (CA/DC/396) With regard to the complaint filed by Shri Ravi B. Poplai, Mumbai against Shri Soumitra Shende, Architect, Mumbai, the Council opined that there is no case of professional misconduct against the

Respondent Architect because the Respondent Architect has acted as per the terms of his agreement with client- Society.

The Council accordingly dismissed the complaint. The complainant and Respondent Architect be informed of the decision of the Council.

- xi) (CA/DC/397) With regard to the complaint filed by Shri Sudhir J. Thorat, Thane (W) against Shri S. K. Nashine, Architect, Nagpur, the Council noted that the Respondent Architect has not submitted his written statement of defence even after two repeated reminders to him. The Council decided that he be given one more opportunity to submit his written statement of defence, failing which the matter be dealt with as per the Council of Architecture Rules.
- xii) (CA/DC/398)) With regard to the complaint filed by Shri A.A.Ahmad Miya Patel, Panvel, Distt. Raigad, the Council opined that there is prima facie case against Respondent Architect and referred the matter to Disciplinary Committee for detailed investigation as per Council of Architecture Rules, 1973.

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

ITEM NO.16 ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.

- i) To consider the report of the Sub-Committee on recognition of Foreign qualifications :**

The Council Members perused the recommendations of the Sub-Committee on recognition of Foreign Qualifications which met on 5th January 2015 and considered the references received from the Central Government for recognition of qualifications and decided to refer back these matters again to the Committee for re-considering its recommendations.

- ii) President COA's visit to UK as part Indian Architectural Delegation:**

The President informed the members that he was invited by British High Commission and RIBA to visit UK for discussing good practices between the two countries as part of delegation of Indian Architects. The Council was also required to nominate one nominee and Ar. Durganand Balsawar was nominated as Council's nominee. Shri Rajesh Singh, Director (T), Member COA, represented Ministry of Human Resource Development, Govt. of India, on the delegation.

The Indian delegation made presentations on the existing provisions of the Act and also the amendments proposed by the Council in the Act. The delegation also watched RIBA activities and programmes and also visited

their Universities and Offices of renowned Professional Architects. Architects Registration Board of UK also made their presentation.

As per Section 15 of the Act, the Council is empowered to enter into reciprocal arrangements for recognition of qualifications and registration with foreign authorities.

The Indian delegation informed the UK authorities that their architects are involving in surrogate practices which should be stopped and instead UK architects should follow the provisions of the Architects Act. Due to non-clarity on the aims and objectives of the establishing RIBA Chapter in India, the same was opposed and RIBA was asked to clearly lay down aims, objectives and powers before any step for establishing RIBA Chapter is established in India.

iii) To take note of notice and demand for Service Tax from the Service Tax authorities on the fees/ income of the Council:

The President informed the members that the Council is in receipt of several communications from the Office of the Commissioner of Service Tax, New Delhi, regarding payment of service tax by the Council of Architecture.

The Council has provided all the information and documents sought by the Service Tax authorities and a notice for payment of services tax dated 04.09.2014 was received from the Service Tax Department.

The President further informed that he had written to the Hon'ble Finance Minister and Hon'ble Minister of HRD in the matter and requesting them to direct the Service Tax authorities not to charge service tax from the Council. The Council through its Advocate submitted a detailed reply/ response regarding non-applicability of Service on the fees/ income of the Council to the Service Tax authorities.

The meeting ended at 8.20 p.m. with a vote of thanks to the Chair.
