

LOKPAL OF INDIA
(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)
New Delhi- 110070

Complaint No. : **217/2024 (arising out of Dy.No. 2442024, 2452024, 2462024 & 2472024)**

Date : **25.10.2024**

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. These four complaints are directed against Architect, registered with the Council of Architecture under the Architects Act, 1972 and Administrative Officer and Members of the Council of Architecture.



2. After filing these four complaints, complainant, vide email dated 14.10.2024, has informed that four separate complaints arises out of single cause of action against Registered Architect, Administrative Officers and Members of Council of Architecture. It is further requested that these complaints be consolidated and treated as one.
3. In view whereof these four complaints bearing Diary No.2442024, 2452024, 2462024 & 2472024 (Respondents therein are referred to as RPS No.1, RPS No.2, RPS No.3, and RPS No.4 respectively) are tagged and taken up together.
4. Allegations against Registered Architect is that he facilitated the regularization of unauthorized constructions i.e. additions and alterations made in Flat No.B-401 and B-402 of Wing-B Fourth Floor of existing building Chandiwala Complex, CHSL on plot bearing S.No.201, CTS No.824, Final Plot No.428, T.P. Scheme No.1 of Village Panchpakadi, Thane (West) which, as alleged, tantamounts to professional misconduct. Whereas, allegations against the Members and Office Bearers of the Council of Architectures are, that, without affording an opportunity of hearing and by suppressing material information for corrupt motives, have dismissed the complainant's complaint against the said Registered Architect.



5. Section 14 of the Lokpal and Lokayuktas Act, 2013 confers jurisdiction in the Lokpal to inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of any person who is or has been a chairperson or member or officer or employee in any body or Board or Corporation or authority or company or society or trust or autonomous body (by whatever named called) established by an Act of Parliament (Section 14(1) (f) of the Act of 2013). The allegation of corruption against officer/dignitary mentioned in Section 14 of the Lokpal and Lokayuktas Act, 2013 is thus sine qua non for entertaining a complaint under the Act of 2013.
6. Furthermore, Section 2(1) (e) of the Act of 2013 defines complaint which means a complaint made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988 (4B of 1988).
7. In the complaint at hand, the allegations qua, RPSs 2, 3 and 4 of committing an offence punishable under the Act of 1988 are conspicuously absent. Whereas RPS No.1 who is Registered Architect under the Act of 1972 is not a Public Servant under Section 14 of the Act of 2013.

8. In view whereof since RPSs are not amenable to the jurisdiction under Section 14 of the Act of 2013, we decline to cause any indulgence.
9. Consequently, the complaint is disposed of finally in above terms.
10. However, disposal of this complaint will not preclude the complainant to seek redressal of the grievance raised therein, before appropriate Authority under law.

Sd/-
(Justice A.M. Khanwilkar)
Chairperson

Sd/-
(Justice L Narayana Swamy)
Judicial Member

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/AKA/