

No. C-651/Lok/2011/9980

PREM CHAND
Vs.
FARHAD SURI, COUNCILLOR, MCD.

1. Complainant, Sh. Prem Chand has filed a complaint dated 14/3/2011, against Sh. Farhad Suri, Councillor, MCD. On scrutiny certain defects/deficiencies/omissions were observed. Vide letter No. C-651/Lok/2011/9980 dated 5/4/2011, the complainant was asked to remove the defects/deficiencies/omissions and resubmit the complaint. Accordingly, the complainant has finally resubmitted the complaint on 3rd May, 2011.

2. The complaint is in prescribed Form (II) and is supported by affidavit of the complainant. The prescribed fees of Rs. 500/- has also been paid.

3. It is alleged that complainant is holder of power of attorney of Plot No. 242, Industrial Area, Patparganj, Delhi, executed by Sh. Hari Prakash, owner of the Plot. Complainant has executed a rent agreement with Sh. P. S. Sareen, Director of M/s Cool All Beverage Pvt. Ltd. on 20-05-2003 for five years. Later on he came to know that two other persons namely, Sh. Farhad Surei, Councillor MCD and Mr. Dhiren Navlakha are also Directors in the said company. All the above Directors committed forgery with regard to electricity connection and obtaining factory licence on the basis of forged signatures of Hari Parkash (owner) and also prepared forged NOC and rent receipt of Hari Parkash and his attorney complainant. In this regard FIR No. 371/05, U/s 420/465/468/471/120B/34 IPC, PS

Anand Vihar has been registered. However, respondent being the Councillor could not be arrested so far. The above Directors has also raised unauthorized construction in the tenanted portion and accordingly the tenancy was terminated vided notice dated 22/12/2004. Asuit for ejectment and damages was filed by the complainant, which was decreed by Ld. ADJ. An Appeal against the same is pending in the Hon'ble High Court.

4. It is further alleged that since May, 2003, the Ice Factory is functioning on the ground floor of the plot by extracting ground water from the bore-well which was causing water leakage in the lintel of the basement of the building which has been badly damaged. Though the plot is allotted for Readymade Garments but the respondent is manufacturing Ice which is against the Lease Deed. In accordance with the notification of Hon'ble Lt. Governor under the Environment Protection Act, the DC (East) Delhi has sealed the ground water boring of the respondent's company but thereafter, the respondent started bringing the ground water tankers from outside which is also inviolation of the notification. Complaints were made to the SDM, Vivek Vihar, Delhi and vide her Order dated 21.9.2010, SHO of PS Madhu Vihar was directed to take action against the unlawful tankers, but he did not take any action. Further, as per directions of the DC (East) Delhi, a complaint u/s 133 of Cr. P. C. was made for removal of public nuisance and prevention of water pollution and damaged to the building but no action was taken by the SDM concerned and the matter was

adjourned again and again. The unauthorized water tankers and the ice manufacturing has badly caused damage to the building of the complainant which is likely to collapse at any time .

5. It is also alleged that respondent is very much active and influential to pressurize the officers concerned for doing illegal acts in MCD. He is not only the Director but also the owner of the factory and he always participate day to day affairs and remains present at the spot.

6. The allegations leveled in the compliant, reveal that respondent 'public functionary' has failed to act in accordance with the norms of integrity and conduct which ought to be followed by the public functionary and has abused/misused his position to obtain gain/favour for himself and other persons and to cause undue harm and hardship to the complainant. Therefore, prima facie a case for initiation of inquiry under section 7 of the Delhi Lokayukta and Uplokayukta Act 1995 is made out against the respondent.

Submitted for orders please.

ab

Handwritten signature
23/5/11
(AB)

Perused the complaint and the analysis as per office note. Issue notice to show cause for an enquiry u/s 7 read with 2(c) of the Act returnable 13th July 2011 at 12 noon
Manu Mohan Sharma
25-5-2011