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Complaint No. 650/Lok/2011

Sh. Prem Chand

V/s

Sh. Farhad Suri, Councillor

1. The Complainant has filed a complaint dated 8.3.2011 against Sh. Farhad Suri, Councillor. On scrutiny, certain defects/deficiencies/omissions were observed in the Complaint. Vide letter No. C-650/Lok/2011/9979 dated 5th April, 2011, the Complainant was asked to remove the defects/deficiencies and to resubmit the Complaint. Accordingly, the Complainant finally filed a fresh complaint on 3rd May, 2011.
2. The complaint has been made in Form-II. It is supported by an affidavit of the Complainant and the prescribed fees of Rs. 500/- has been paid.
3. The complaint is against Sh. Farhad Suri, who being a Councillor of MCD is "Public Functionary", in terms of Section 2(m) of the Delhi Lokayukta and Upalokayukta Act, 1995.
4. It is alleged that Complainant is holder of a Power of Attorney of Plot No. 242, Industrial Area, Patparganj, Delhi, executed by Sh. Hari Prakash, owner of the plot. Complainant executed rent agreement with Sh. P.S. Sareen, Director Cool All Beverages Pvt. Ltd. on 20.5.2003 for 5 years. Later on he came to know that two other persons, namely, Sh. Farhad Suri, Councillor and Sh. Dhiren Naulakha are also Directors in the said company and were running the same. The Respondent Sh. Farhad Suri, Councillor along with other Directors has committed forgery and cheating with regard to electricity connection and obtaining factory license of MCD. They have forged signatures of the land lord for obtaining electricity connection and also prepared forged documents i.e. NOC and rent receipt in the name of the landlord for obtaining factory license of MCD. In this regard, FIR No. 351/2005 under section 420/465/468/471/120B/34IPC was registered at PS Anand Vihar, which is pending in the Court of CMM, Karkardooma Court, Shahdara. They have also raised

Unauthorized construction in the tenanted portion and illegally occupied the top floor of the premises without consent of the landlord. Due to violation of rent agreement, the tenancy was terminated through legal notice dated 22.12.004 and 27.10/2004 by the landlord. A suit for ejectment and damages was filed and decree for ejectment was passed by Learned ADJ, Delhi. Now an appeal is pending before the Hon'ble High Court.

5. It is further alleged that since the Respondent and other Directors could not obtain factory license on the basis of forged documents, the Respondent had misused his political position and pressurized concerned officers of the MCD to obtain factory license, as he was Mayor of Delhi at the relevant time and has approached Ms. Meira Akolia, Additional Commissioner (Revenue) and Mr. K.S. Sharma, Asstt. Commissioner, Factory Licensing, for obtaining factory license. Opinion of the Chief Law Officer of MCD was obtained. Factory license was obtained without NOC of the landlord on the basis of rent agreement which has also been terminated by the landlord. Chief Law officer of the MCD has rejected request of the factory licensing Department on the ground that there was no NOC of the landlord. But thereafter, Factory Licensing Department recommended, under political pressure, and the License was illegally issued on 10.5.2005 under section 416/417 of DMC Act by ignoring statutory requirements. Factory Licensing Department of MCD has no authority to issue any trade license under section 417 of the DMC Act as the same is issued by Dy. Health Officer of the concerned Zone of MCD. The Respondent and other Directors, along with MCD officers, committed offence under section 420/465/468/471/120B/ 34 IPC. The Dy. Health Officer, MCD of Shahdara South Zone, did not take any action under section 417 of the MCD Act and allowed Ice factory to run without trade license by the Health Department. The factory was challaned three times and closure notice was also served but due to political pressure of the Councillor no further action was taken. The factory license which was illegally

obtained was again and again renewed due to political pressure of the Respondent Councillor.

6. Complainant thus alleges that Respondent has abused his position to obtain gain and favour for himself and caused undue harm to the Complainant by illegally obtaining factory license without NOC of the landlord. The Respondent is not only Director but also owner of the factory and participates in day to day affairs and remains present at the spot.

7. The allegations leveled in the Complaint, reveal that the Respondent "Public Functionary" has failed to act in accordance with norms of integrity and conduct which ought to be followed by the "Public Functionary" and has abused/misused position to obtain gain/favour for himself and other persons and caused undue harm and hardship to the Complainant. Therefore, prima-facie, a case for initiation of inquiry under section 7 of the Act is made out against the Respondent.

Submitted for orders, please.

o/s D
Neelkumar
22/5/11

David
24/5/11
(AD)

Perused the Complaint & analysis as per office note. Issue notice to show cause for engaging Mammohan Sarve under Sec 7 read with 2(b) of the Act. Returnable 13th July 2011. Mammohan Sarve 25/5/2011

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