

Sub: Complaint No. 649/Lok/2011, Sh. Prem Chand Vs. Farhad Suri, Councillor

1. The complainant Sh. Prem Chand has filed a complaint dated 04.03.11 against Sh. Farhad Suri, Councillor. On scrutiny certain defects/deficiencies/omissions were observed. The complainant was accordingly advised vide letter No. C-649/Lok/2011/9981 dated 05.04.11, to remove the defects/deficiencies/omissions and resubmit the complaint. The complainant has finally resubmitted the complaint on 03.05.11.
2. The complaint has been made against Sh. Farhad Suri, Councillor, MCD, who is a 'public functionary' as defined in section 2 (m) of the Delhi Lokayukta and Upalokayukta Act, 1995. The complaint is in form-II. It is supported by an affidavit of the complainant and the prescribed fees of Rs. 500/- has been paid.
3. The complainant alleges that he is holder of Power of Attorney of No. 242, Industrial Area, Parpaganj, Delhi, executed by Sh. Hari Prakash, owner of the plot. He had executed a rent agreement with Sh. P.S.Sareen, Director of M/s Cool All Beverage Pvt. Ltd. on 28.05.03. Later on he came to know that two other persons namely Sh. Farhad Suri, respondent and Sh. Dhiren Navlakha are also Directors in the said company and they were running ice factory in the name and style of Cool All Beverages Pvt. Ltd..
4. It is alleged that all the Directors have committed forgery with regard to electricity connection and in obtaining factory licence. In this regard FIR No. 371/05 under section 420 / 465 /468 / 471 / 120B/ 34 IPC has already been registered at PS Anand Vihar, Delhi. They had also raised unauthorized construction in the tenanted portion. The tenancy was accordingly terminated vide legal notices dated 22.12.04 and 27.10.04. A suit for ejectment and recovery of damages is also pending in the court Sh. K.S.Mohi, ADJ, Delhi.
5. The respondent and other Directors of the company contacted BSES Yamuna Power Limited for electricity connection without disclosing about the termination of tenancy. They have obtained new electricity connection vide K No.1230 KC 010255 on ground floor of plot No. 242, Industrial Area, Parpaganj without NOC of the landlord which is a mandatory requirement under the Electricity Act, 2003. It amounts to offence under

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section 136 (1) (b) of the Electricity Act, 2003. No action has been taken by the DISCOM despite a complaint in this regard. The DISCOM has installed electricity connection on ground floor for the manufacturing of ice cubes ignoring the fact that the plot was allotted for readymade garments by the Govt. of NCT of Delhi which is also mentioned in the lease deed. Thus, the electricity is being unauthorizely used, which is an offence under section 35 (1) (e) of Electricity Act, 2003. The electricity connection was installed without NOC of Health Department of MCD and Fire Service Department.

6. It is further alleged that Cool All Beverages Pvt. Ltd. unauthorisely occupied top floor of the property without consent of the owner and kept heavy machines and water tanks and connected the meter installed on the ground floor with electric lines on the top floor for functioning of the machine, which is an offence under section 138 (1) (a) of Electricity Act, 2003. There is also unauthorized use of electricity under section 126 (b) (v) because there is usage of electricity in the premises in the areas other than those for with which the supply of electricity was authorized.

7. According to the complainant, the aforesaid 'public functionary' has abused his position to obtain gain or favour to himself & others and ^{to} cause undue harm/hardship to the complainant, to run his ice factory at plot No. 242, Industrial Area, Parparganj, Delhi by illegally obtaining electricity connection without NOC of the landlord. The respondent is the owner of the factory and participate in day to day affairs and remains present at the spot.

8. The allegations levelled against the respondent reveal that the respondent has failed to act in accordance with norms of integrity and conduct which ought to be followed by the public functionary and he has misused his position to obtain gain or favour to himself/other persons and to cause loss or undue harm or hardship to the complainant. Thus, prima facie, a case for inquiry under section 7 of Delhi Lokayukta and Upalokayukta Act, 1995 is made out against the respondent.

Submitted for orders please.

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Handwritten notes:
Perused the complaint with documents & analysis as per office note. A case for issuance of notice to show cause for an enquiry u/s 7 read with section 2(b) of the Act is made out. Issue Notice to show cause returnable 13th July 2011 at 12 Noon.
Haubli Lokayukta.
22/5/11
25/5/2011
(AD)