

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 1st May, 2018

Complainant : Sh. Sunil Kumar Balmeki

Respondent : Deputy Commissioner (Karol Bagh Zone),
North DMC, Near Khalsa College,
Anand Parvat, New Delhi

Grievance No. : PGC/2017/MCD/297

Grievance filed on : 31.07.2017

First hearing in the PGC,
Scheduled on : 03.10.2017

1. Brief facts of the complaint

Sh. Sunil Kumar Balmeki filed a complaint in PGC on 31.07.2017 aggrieved by unauthorized construction in property No, C21 Sharda Puri, Ramesh Nagar, New Delhi. He has stated that in this regard, he filed a complaint with North DMC but no action has been taken in this regard.

2. Proceedings in the Public Grievances Commission

The PGC has convened seven hearings since 03.10.2017 and at the last hearing held on 1st May, 2018 the following were present:

Complainant : Absent

Respondent : Shri Jitender Kumar, AE(B), Karol Bagh Zone, North DMC

3. Relevant facts emerging during the hearing

3.1 At the last hearing held on 13.03.2018, the directions of PGC were as follows :

Shri Jitender Kumar, AE (Building), Karol Bagh Zone informed that the property has been sealed. However, there is no order on record with regard to sealing of the property. Further Sh. Jitender Kumar stated that the complainant has withdrawn his application and

submitted a photocopy of the information sent to PGC regarding withdrawal of complaint. Such information of withdrawal of complaint has no consequences since the MCD has already initiated action and sealed the property.

Deputy Commissioner (Karol Bagh Zone), North DMC is advised to ensure that the demolition order is passed at the earliest with respect to illegal / unauthorized construction carried out by the owners of property, as per DMC Act, 1957 and an Action Taken Report be submitted to this Commission on the next date of hearing.

3.2 During the hearing on 01.05.2018 Sh. Jitender Kumar, AE is present and submitted a report stating that the subject property bearing No. C-21, Sharda Puri, Mansarowar Garden was constructed after getting the Sanction Building Plan vide No.26/OBP/B/KBZ/15/86 dated 19.05.2015.

Some deviations was erected by the owner / builder during construction. The same was booked u/s 343 & 344(1) of the DMC Act by the department vide No. B/UC/KBZ/2016/01 dated 21.04.2016. In this extent, demolition action were also taken on dated 21.06.2016 and 22.06.2016 and demolished the excess coverage made by the owner / builder in structure of the impugned property.

Further the sealing action was also taken on 04.08.2016 with the help of police force and property was sealed at four points. Property was again inspected on 19.04.2018, property under subject is still sealed at site.

3.3 Sh. Jitender Kumar further informed that unless and until an affidavit is submitted by the owner stating that the deviations will be removed and excess coverage will be demolished by the himself no further action is warranted on the part of MCD, as on date. He further informed that in case if the seal is tempered by the owner action under the trespassers Act will be initiated against him.

4. Directions of the PGC

Keeping in view the submissions made by Sh. Jitender Kumar at para 3.2 and 3.3 above the Commission decided to close the matter with the direction to the Ex. Engineer (B), Karol Bagh Zone that action against the building be taken as per DMC Act in respect of violation / excess coverage or deviations. It is further directed that this Commission be informed about the action in the matter.

(SUDHIR YADAV)
Member (PGC)

Copy to:

1. Commissioner, North DMC, Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, New Delhi
2. Deputy Commissioner (Karol Bagh Zone), North DMC, Near Khalsa College, Anand Parvat, New Delhi
3. Executive Engineer (Building), Karol Bagh Zone, North DMC, Near Khalsa College, Anand Parvat, New Delhi
4. Sh. Sunil Kumar Balmeki