

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: 6th June, 2018

Complainant : Sh. Sanjeev Jain
Respondent : Deputy Commissioner (West Zone), SDMC
Grievance No. : PGC/207/MCD/150
Grievance filed on : 03.01.2017
First hearing in the PGC, : 20.03.2017
Scheduled on

1. Brief facts of the complaint

Sh. Sanjeev Jain filed a grievance in PGC on 03.01.1017 regarding illegal construction in property No.A-1/66A, Sewak Park, Uttam Nagar, New Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened nine hearings since 20.03.2017 in the matter and at the last hearing held on 6th June, 2018 the following were present:

Complainant : Present

Respondent : Sh. R.D.Chaudhury, AE

3. Relevant facts emerging during the hearing

3.1 At the last hearing held on 2nd May 2018, the directions of PGC were as follows :

Shri A.K.Gupta, AE (B), West Zone stated that the property under question appears to have been constructed 4-5 years back and the same may attract protection under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2014.

However, no credible evidence is available with MCD to suggest that building has been constructed prior to 2014. Therefore, in the absence of any documentary evidence it's difficult to accept the same on face of it.

Sh. A.K. Gupta, A.E. is directed to physically inspect the building personally, seek necessary evidence of construction having taken place prior to 2014 and submit his report with supporting documents.

In the absence of any credible evidence to suggest construction took place prior to 2014, the action be initiated against the property for illegal / unauthorized construction as per DMC Act.

Ex. Engineer (B)-II, West Zone, SDMC is directed to ensure action accordingly and submit an Action Taken Report on the next date of hearing.

3.2 Sh. R.D.Chaudhury, AE (B), West Zone is present during the hearing and submitted a report stating that :

In compliance of the directions of Hon'ble PGC, the undersigned visited the property in question on 01.06.2018, where, the owner of the property Sh. Mallu Ram Jakhar met. From the inspection, the property appears to be old, however, the owner also shown some documents / letters confirming the year of construction and informed the same will be submitted officially on the next working day. The following documents have been submitted by the owner on 04.06.2018 vide diary No. 1573/II/G

Sr. No.	Name & address of the person	Property / reference No.	Remarks (Years construction of third floor)
1.	Sh. Naresh Balyan	MLA/4346/2018 dated 02.06.2018	10 years old
2.	Sh. Krishan Gahlot	14/Co/27/S dated 01.06.2018	10 years old
3.	Sh. Dharmender Prasad	A-1/62, Sewak Park, Uttam Nagar, New Delhi	12-13 years old
4.	Sh. Amit Kumar Tanwar	WZ-44H, Possangipur, Janakpuri, New Delhi	10 years old
5.	Sh. Shankar Mandal	U-50, Subhash Park, Solanki Road, Uttam Nagar, New Delhi	10 years old
6.	BSES	Energisation date 06.09.2012	6 years old

In view of the above and earlier report submitted by the SDMC, the Third Floor of the property in question is protected under "The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017", where, no punitive action can be taken till 31.12.2020, please.

4. Directions of the PGC

Action Taken Report is submitted by Sh. R.D. Chaudhury, Asstt. Engineer on the directions of this Commission.

Complainant who requested for some time to verify the claim of the department is advised to verify the documents and if not satisfied he may lodge a complaint against MCD officials.

The matter stands closed at the level of PGC.

(SUDHIR YADAV)
Member (PGC)

Copy to:

- 1 Commissioner, South DMC, Shyama Prasad Mukherjee Civic Centre, Jawahar Lal Nehru Road, New Delhi - 110002.
- 2 Deputy Commissioner (West Zone), SDMC, Community Centre, Vishal Enclave, Rajouri Garden, New Delhi
- 3 Executive Engineer (Building)-II, West Zone, SDMC, community Centre, Vishal Enclave, Rajouri Garden, New Delhi
- 4 Sh. Sanjeev Jain