

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
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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: 18th Mar., 2019

Complainant : Sh. Anil Dutt Sharma,
Respondent : Deputy Commissioner, Shah.
North Zone, EDMC,
Grievance No. : PGC/2017/MCD/210

1. Brief facts of the complaint

Sh. Anil Dutt Sharma filed a grievance in PGC on 08.03.2017 regarding unauthorized construction at properties bearing No. 24/41-A, Main Road, Chajjupur and 520, Ganpati Compound, Dilshad Garden, Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened fourteen hearings since 29th May, 2017 and during the hearing held on 18th Mar., 2019, the following are present:

Complainant : Sh. Anil Dutt Sharma
Respondent : Sh. P.R.Meena, Ex. Engineer (B)
Sh. Ashok Kanodia, AE (Vig.)

3. Relevant facts emerging during the hearing

3.1 Shri Ashok Kanodia, Asstt. Engineer (Vig.), EDMC is present in the hearing and submitted a report stating that :

“Construction to be said unauthorized construction at property No. 24/41-A, Main 100 Feet Road, Chajjupur, Shah. North had been created in three phases as revealed from the records collected.

First time, completed and commercially occupied unauthorized construction at basement and ground floor was booked on complaint on 07.12.2011. When owner appealed before the

Hon'ble ATMCD against the actions of EDMC, speaking order was passed by the then AE on 10.05.2012 in accordance with the directions of the Hon'ble ATMCD. The documents related to registry / GPA of property created on 28.12.2006; shows that basement, ground floor and first floor was in existence initially i.e. at the time of booking.

Second time, the unauthorized construction was booked on 21.6.2016 when owner started some additional construction at first floor without getting the sanction of Building Plan. The department has taken complete actions as per DMC Act 1957 upto lodging of FIR in Police Station, Welcome, with request to arrest the responsible person. Hence, no one officer can be held responsible for allowing the said unauthorized construction.

Third time, unauthorized construction at Second & Third floor was noticed / booked on 23.11.2016. Prior to initiation of actions for this part of unauthorized construction created on the property in question, a protection letter to it was issued under THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) BILL 2014 by the concerned officer on the basis of opinion of Law Department after consulting GPA of the property executed on 18.02.2008 which confirms built up structure upto 4th storey.

On request of the department, the Sub-Registrar Shahadara had made available a verified copy of the GPA related to property in question which was registered in that office on 18.02.2008.”

The report submitted by the Vigilance Department, EDMC needs to be elaborated further after further enquiry by the Department.

3.2 During the hearing dated 17.09.2018 it had been informed by the concerned Ex. Engineer (B) that all properties in property No. 520, Ganpati Compound, Dilshad Garden, Delhi have been booked u/s 343 and 344(1) of the DMC Act and Show Cause

Notices have been issued to the owner / occupier of the properties and assured that further action of demolition and prosecution as per DMC Act will be initiated. The Department may look into it.

3.3 Shri Anil Dutt Sharma, complainant present in the hearing has submitted a representation wherein he has referred order of this Commission dated 29.10.2018 wherein it has been mentioned that the properties were 3 decades old. He further stated that it is on record of the case file that all these constructions were made after 2010.

A copy of this representation of the complainant was given to the representative of the Department, who was present in the hearing.

4. Directions of PGC :

Accordingly, Ms Bhanu Prabha, Deputy Commissioner, Shahadara North Zone and Sh. Mangesh Kashyap, CVO, EDMC may look into the same and take necessary actions in the matter, as per DMC Act.

With the above directions the matter stands closed at the level of this Commission.

(ASHOK KUMAR)
CHAIRMAN

No. PGC/2017/MCD/210/

Dated:

Copy to:

- 1 Ms Bhanu Prabha, Deputy Commissioner (Shahadara North Zone), Zonal Office Building, Keshav Chowk, G.T. Road, Shahadara, Delhi-110032
- 2 Sh. Mangesh Kashyap, CVO, EDMC, Udyog Sadan, Plot No. 419, F.I.E., Patparganj Industrial Area, Delhi – 110092
- 3 Sh. P.R.Meena, Executive Engineer (B), Shahadara North Zone, East DMC, Zonal Office Building, Keshav Chowk, Shahadara, Delhi-110032
- 4 Sh. Anil Dutt Sharma