

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: 26th Aug., 2019

Complainant : Sh. Anil Dutt Sharma,
Respondent : Deputy Commissioner, Shah.
North Zone, EDMC
Grievance No. : PGC/2017/MCD/347

1. Brief facts of the complaint

Sh. Anil Dutt Sharma has filed a grievance in PGC on 09.11.2017 with reference to the complaint made to the PG Commission on 31.01.2015 for the property bearing No.1/7488 Gorakh Park and 1/6801 East Rohtash Nagar and to the Deputy Commissioner Shahadara North on 16.06.2014.

2. Proceedings in the Public Grievances Commission

The PGC has convened fourteen hearings in the matter so far and in the hearing held on 26.08.2019, the following are present:

Complainant : Present
Respondent : Sh. Kaptan, AE(B)
Sh. P. V. Singh, EE(B)
Sh. Vivek, JE(B)
Sh. Ashok Kanodia, AE(Vig)

3. Relevant facts emerging during the hearing

3.1 Sh. Ashok Kanodia, AE (Vig), EDMC is present in the hearing and submitted a Status Report stating that

“ he had personally contacted the office of SHO/ACB/Delhi and wrote letters. The reply received from that office is enclosed with

the Status Report submitted to this Commission. As informed by ACB, the relevant documents are with the court since trial is pending. He has been advised to collect the desired documents from court. Matter has been referred / forwarded to Law Department for assisting in collection of documents from court.”

Complainant present in the hearing informed that he can give a certified copy of the Sanctioned Building Plan of the building to the officers of Vigilance Department to further proceed in the matter.

3.2 Sh. P. V. Singh, EE(B), Shahdara North Zone is present in the hearing and submitted a Status Report stating that

“the impugned property was divided into two parts on road side, 04 shops were found sealed, however, the rest of the property was found occupied. The property consists of Stilt, G.F., F.F, S.F, and T.F. Projections were found on the street. The building plan of the said property was sanctioned vide file no. 47/B/SH-N/14/D-74 dated 13.02.2014 with validity of 05 years upto 12.02.2019. The property has been booked vide file no. 599/UC/B-II/SH-N/2018 dated 21.08.2018 for deviations in the sanctioned building plan from Stilt, G.F, F.F, S.F, and T.F under Section 343 and 344 (1) of DMC Act, 1957. The show cause notice vide no. 14605 dated 21.08.2018 was issued through speed post to the owner Smt. Ganga Saini. On non-receipt of reply of show cause notice demolition order notice was issued to the owner vide No. 15459 dated 06.09.2018.

Further, sealing show cause notice was also sent to the owner vide letter no. DC/SH-N/B-II/2018/D-1394 dated 31.08.2018. On non-receipt of reply of sealing show cause notice, sealing order was passed by the Competent Authority dated 10.09.2018.

Further, vacation notice under Section 349 of DMC Act, 1957 has also been sent to the owner of the property as well as SHO, PS-Shahdara vide no. AE/B-II/SH-N/2018/D-1130 dated 25.09.2018. Lock breaking notice under Section 435 of DMC Act vide letter no.

EE/B-II/SH-N/2018/D-1485 dated 24.09.2018 was also issued to the owner as well as concerned SHO.

Further, a letter vide no. EE/B-II/SH-N/2018/D-1491 dated 24.09.2018 for disconnection of water supply and electricity vide no. EE/B-II/SH-N/2018/D-1490 dated 24.09.2018 has been sent to the DJB and BYPL respectively. A letter vide no. EE/B-II/SH-N/2018/D-1492 dated 24.09.2018 has also been sent to Sub-Registrar for not permitting the sale and purchase of the said property without clearance from the EDMC.

Further it is submitted that a sealing/demolition program was fixed on 08.10.2018 but action could not be taken due to heavy resistance from flat owners. The Deputy Commissioner, Shahdara North requested for police force of Police Station, Shahdara for taking sealing / demolition action on subject mentioned property on 18.07.2019 and demolition action was taken on the property and chajja of Second Floor was partly demolished as the property was completely occupied and premises was not vacated by police due to stiff resistance from occupants. Further a program has been fixed for 12.09.2019 for taking further action against unauthorized construction. Further action will be taken as per DMC Act, 1957.”

He further informed that as regards the action on the second property he will look into the matter and submit a report.

3.3 The complainant present in the hearing has submitted a representation stating that the action taken by the Department on the property, in question, is perfunctory and cosmetic and the illegality of the building is not removed. There are huge violations and non-compounding deviations such as height of the building, no. of dwelling units, misuse of premises, penalty under Section 337(4), excess height of Stilt etc.

He further informed that the owner of the building has constructed the building first and got the Building Plan sanctioned later on and the fact has been accepted by the owner of the building in Court.

4. Recommendations of the PGC

4.1 Sh. Ashok Kanodia, Asstt. Engineer (Vigilance). EDMC is advised to get a certified copy of the Sanctioned Building Plan from the complainant and proceed further in the matter. An Action Taken Report in the matter be submitted to the Commission.

4.2 Sh. Mangesh Kashyap, CVO, EDMC is advised to look into the matter and ensure that necessary action is taken by the concerned officers and an Action Taken Report is submitted to this Commission.

4.3 Sh. P.V. Singh, Ex. Engineer (B), Shahadara North Zone, EDMC is advised to take further necessary action in the matter and inform the complainant directly about the action taken under intimation to the Commission.

He is further advised to inform the Commission :

(i) about the penalty / compounding fee imposed by the Corporation on the owner, while regularizing the property No. 1/7488, East Gorakh Park, Shahadara.

(ii) Action taken against the Architect, as per the provisions of the DMC Act

4.4 Sh. Ranen Kumar, Deputy Commissioner, Shahadara North Zone is advised to ensure that action in the matter is taken by the concerned officers.

With the above directions the matter stands closed at the level of the Commission. If the required action is not taken by the concerned the Commission will be constrained to re-open the case.

(ASHOK KUMAR)
CHAIRMAN

No. PGC/2017/MCD/347

Dated :

Copy to:

- 1 Sh. Ranen Kumar, Deputy Commissioner (Shahadara North Zone), Nigam Bhawan, Keshav Chowk, Near Shyam Lal College, Shahadara, Delhi – 110032.
- 2 Shri P.V.Singh, Executive Engineer (B) - II, Shahadara North Zone, East DMC, Nigam Bhawan, Keshav Chowk, Near Shyam Lal College, Shahadara, Delhi – 110032
- 3 Sh. Mangesh Kashyap, CVO, EDMC, Udyog Sadan, Plot No. 419, F.I.E., Patparganj Industrial Area, Delhi - 110092
- 4 Shri Ashok Kumar, Asstt. Engineer (Vig.), EDMC, Udyog Sadan, Plot No. 419, F.I.E., Patparganj Industrial Area, Delhi – 110092
- 5 Sh. Anil Dutt Sharma