

**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: 15<sup>th</sup> Oct., 2019

Complainant : Sh. Kamal Nagpal,  
Respondent : Deputy Commissioner, South  
Zone, SDMC  
Grievance No. : PGC/2019/MCD/48

**1. Brief facts of the complaint**

Shri Kamal Nagpal has filed a grievance in PGC regarding violation of the Master Plan 2021 by the owner / occupant of M-73A, Basement, Malviya Nagar, New Delhi and no action by the officers of South Zone on the complaints.

**2. Proceedings in the Public Grievances Commission**

The PGC has convened two hearings in the matter so far and in the hearing held on 15.10.2019, the following are present:

Complainant : Present  
Respondent : Sh. A. K. Jain, AE(B)

**3. Relevant facts emerging during the hearing**

3.1 Sh. A. K. Jain, AE(B), South Zone is present in the hearing and submitted a Status Report stating that

“on receiving the complaint, the impugned property has been inspected and found that its basement was being used as office of a Travel Agent (Anuga Travel & Tours), which is in contravention of provisions contained under MPD-2021. Accordingly, on account thereof vide no. D/403/DC/Bldg.-I/SZ/18 dated 12.10.2018, a show cause notice under section 345-A of DMC Act

was issued and served upon the owner/occupier. Consequently, refuting the charges of misuse the owner has asked for adequate time for filing of detailed reply with supporting documents. However, the owner / occupier has neither submitted detailed reply nor any documents substantiating legality of the activity being run.

Accordingly, the reply submitted on 22.10.18 was treated as final submission of the owner / occupier. Since the reply had no bearing and was evasive, immaterial or devoid of merits, even the misuse was not removed by the owner / occupier, sealing order under section 345-A of DMC Act was passed by the Competent Authority. Thereafter, in order to execute sealing order respondent / SDMC has made attempts for execution of sealing order but due to non-availability of police force action could not be materialized. Ultimately, upon availability of police force on 01.08.2019 there was affixed seal at main entry leading to basement. Contrary to the averments of the complaint on inspection, as has been carried out today on 15.10.2019 no instance of seal tampering / trespassing or resuming commercial activity noticed at site i.e. basement of Property No. M-73B, Malviya Nagar, New Delhi.”

3.2 Complainant present in the hearing was satisfied with the report submitted by the Asstt. Engineer.

#### **4. Recommendations of the PGC :**

4.1 As per the report submitted by the Asstt. Engineer (B), the seal affixed by the SDMC is intact and the sealed premises is not being used. The complainant is also satisfied with the report submitted by the AE.

Sh. A.K.Jain, Asstt. Engineer (B), South Zone is advised to ensure that the seal is not tampered by the owner of the property in future and take further necessary action in the matter as per provisions of the DMC Act.

4.2 With the above directions, the case stands closed at the level of this Commission.

(ASHOK KUMAR)  
CHAIRMAN

No. PGC/2019/MCD/48

Dated:

Copy to:

1. Sh. Vishwendra, Deputy Commissioner, South Zone, SDMC, Zonal Office Building, Green Park, New Delhi – 110017
2. Sh. Dev Kumar, Ex. Engineer (B), South Zone, SDMC, Zonal Office Building, Green Park, New Delhi - 110017
3. Sh. Kamal Nagpal