

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: 15th Dec., 2020

Complainant : Sh. Kirti Prakash Gupta
Respondent : Deputy Commissioner
(Najafgarh Zone), SDMC
Grievance No. : PGC/2019/MCD/35

1. Brief facts of the complaint

Shri Kirti Prakash Gupta has filed a grievance in this Commission regarding illegal construction against the owner of Flat No. 9226, C-9, Vasant Kunj, New Delhi – 110070 which is affecting him and his family.

2. Proceedings in the Public Grievances Commission

The PGC has convened nine hearings in the matter so far and in the hearing held on 15.12.2020, the following are present:

Complainant : Present
Respondent : Sh. Arun Kumar, EE(M)
Sh. B.S.Gupta, AE(B)
Sh. Vishal Pal, SO(H)

3. Relevant facts that emerged during the hearing

3.1 Officers from Maintenance, Building & Horticulture Divisions of the Respondent department are present in the Hearing and submitted a report stating that :

“That a file for regularization of addition / alteration of DDA Flat bearing No. 9226 (Ground Floor), SFS-CAT-III, Sector-6, Pocket-9, Vasant Kunj, New Delhi was received in Building Deptt., Najafgarh Zone from applicant Mrs. Alka Gupta vide regularization file No. 34/DDAFlat/EE(B)/NGZ/20 dated 19.2.2020.

“No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene.”

That accordingly, an I/N letter dated 11.3.2020 was sent to applicant to comply with certain conditions mentioned in the said I/N letter within the period of fifteen days. But no reply was received from the applicant.

That further a fresh I/N dated 26.11.2020 has been sent to applicant to comply with the certain conditions, but as per record no reply is received from the applicant so far.

That further it is submitted that in compliance of directions issued by Hon'ble Chairman, PGC during previous hearing / decision dated 17.11.2020, a joint inspection of neighborhood properties in the area was carried out by undersigned along with Executive Engineer (M)_ and Dy. Director of Horticulture, Najafgarh Zone on 10.12.2020. The inspection report on the part of Building Department, Najafgarh Zone is annexed herewith.

That as reported by Horticulture Deptt. of Najafgarh Zone a partial demolition action against encroachment / unauthorized construction in the planter area (backside) at impugned premises has been taken by them on 9/11/2020 and removed steel / iron gate during the course of action.

That it is worthwhile to submit here that the appellant has approached to Hon'ble A.T./MCD vide Appeal No. 345/20 and the Hon'ble AT/MCD has passed orders dt. 2/12/2020 in the present Appeal that "Respondent is restrained from taking demolition action in the property in question i.e. 9226, Sector-C-9, Vasant Kunj, Delhi pursuance to the notice dt. 28.10.2020 till next date of hearing". Further, directions have been issued by Hon'ble AT/MCD to appellant that "Appellant is directed to file affidavit giving details of construction with measurements of the existing construction along with existing site plan and photographs of the property in question within five working days, failing which stay order granted shall deemed to be vacated." However, no affidavit/details of construction with measurement is received from appellant in Building Deptt., Najafgarh Zone. "

"No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene."

The report of Building Deptt. is as under :

It is stated that the survey has been conducted by the official of Building Deptt., Najafgarh Zone, SDMC on 10/Dec-20 and the details of the properties near Flat No. 9226 of C-9, Vasant Kunj, New Delhi are as under :-

S. No	Flat No. / Prop. No.	Details of existing constructed area
1.	Flat No. 9256	Store room under stair case, one room extension at back side.
2.	Flat No. 9249	One room extension at back side
3.	Flat No. 9246	One room extension at back side
4.	Flat No. 9247	One room extension at back side
5.	Flat No. 9241	One room extension at back side
6.	Flat No. 9233	One room extension at front side
7.	Flat No. 9225	Extension of room covering open area (front side) one room extension at back side
8.	Flat No. 9227	Extension of room, covering open area (front side)
9.	Flat No. 9219	Extension of room, covering open area (Front side)
10.	Flat No. 9197	Extension of balcony and room at front side
11.	Flat No. 9205	Extension of room covering open area at front side

3.2 During the hearing it was desired that a copy of the Plaint / Appeal of case titled as Alka Gupta Vs SDMC & Anr. be submitted to the Commission. Further if the appellant in the ATMCD has not submitted the affidavit giving details of construction with measurements of the existing construction alongwith existing site plan and photographs of the property in question within five working days, it is for the ATMCD to decide further course of action.

3.3 Again a report dated 21.12.2020 has been submitted by the Ex. Engineer (B), Najafgarh Zone stating that :

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“In compliance of the directions issued by this Hon’ble Commission on the last date of hearing 15.12.2020, it is submitted that the matter has been forwarded by Building Department, Najafgarh Zone to Law Department (SDMC)/NGZ for obtaining expert legal opinion in the instant case whether stay granted is deemed vacated or not, so that status report may be submitted before the Hon’ble PGC. As per directions of Hon’ble PGC, a copy of plaint / appeal of case titled as Alka Gupta Vs SDMC & Anr. Is enclosed herewith.

It is further submitted that as soon as the expert opinion will received from the Law Deptt. (SDMC), the same shall be apprised to this Hon’ble Commission immediately.”

4. Recommendations of the PGC

As the matter is sub-judice in ATMCD, the proceedings in the Commission are closed with the directions to the Building, Maintenance & Horticulture Departments of the Najafgarh Zone, SDMC to take further necessary action as per orders of the ATMCD.

(SUDHIR YADAV)
MEMBER

No. PGC/2019/MCD/35/

Dated:

Copy to:

1. Shri Arun Kumar, Ex. Engineer (M), Nazafgarh Zone, SDMC, Opp. Kargil Apartment, Dwarka Sector-12, New Delhi – 110075
2. Sh. H.S.Meena, Ex. Engineer (B), Nazafgarh Zone, SDMC, Main Zonal Office Building, Near Dhansa Stand, Nazafgarh, New Delhi – 110043
3. Sh. Rajkumar, Deputy Director, Horticulture, Nazafgarh Zone, SDMC, Main Zonal Office Building, Near Dhansa Stand, Nazafgarh, New Delhi – 110043

Copy for information to :

Shri Kirti Prakash Gupta

“No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene.”