

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

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY 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: 15.06.2021

Complainant : Sh. Sanjeev Sehgal.

Respondent : The Chief Executive Officer,
Delhi Jal Board, GNCTD

Grievance No. : PGC/2019/A.II/DJB/72 & PGC/2020/A.II/DJB/49 (Clubbed)

1. **Brief facts of the case**

1.1 Shri Sanjeev Sehgal, complainant has filed a grievance petition in the Public Grievances Commission aggrieved by imposition of additional sewerage maintenance charges @ Rs.1000/- per month from 01.04.2011 to 16.01.2016 amounting to Rs.57750/- against his already disconnected water connection K.No.0665070000 of Rohini Zone.

2. An action taken report dated 10.05.2021 has been received from Zonal Revenue Officer(North West)-II, Rohini, Delhi Jal Board, GNCT. It is stated in the report that :

“Grievance /claim of the consumer:-

Shri Sanjeev Sehgal is aggrieved with imposition of additional sewerage maintenance charges @ Rs.1000/- per month from 01.04.2011 to 16.01.2016 amounting to Rs.57,750/- against his already disconnected water connection No.0665070000 of Rohini Zone which were paid by him at the time of re-opening of the said water connection. He is claiming refund for the same.

Facts of the case:

“DDA had allotted LIG Flat No.6, GF, D-12, Sector-7, Rohini under **Residential Scheme** to Sh. Faquir Chand Sharma vide DDA file No.LO15(18)87/RO/NP Block dates 02/11/87-03/11/87.

The said premise was purchased by Sh. Sanjeev Sehgal in Oct. 1997.

The water connection in the property was running in the said property in **Commercial Category** since 1999.

Sh. Sehgal stopped making payment of water charges w.e.f. April, 2005 and the said water connection was disconnected on account of non-payment of dues of Rs.53,878/- in August, 2007. However, the said premise remained in possession of Sh. Sehgal and commercial activity were also continued.

On the request of Sh.Sanjeev Sehgal received in ZRO office Dy.No.817 dated 22.10.2015, a bill for re-opening of the said water connection was issued on 16.01.2016 for the amount of Rs.1,06,972/- which was also including Additional Sewer Charges amounting to Rs.57,750/- calculated @ Rs.1,000/- p.m. w.e.f. 01.4.2011 to 15.01.2016 as per Regulation no.9(i) of Delhi Water & Sewer (Tariff and Metering) Regulations 2012. The bill for re-opening of water connection amounting to Rs.1,06,972/- (including additional sewer charges amounting to Rs.57,750/-) was paid by Sh. Sehgal on 18.11.2016.

As per site visit report dated 20.09.2020, the said premise is still being used for commercial purpose.

Relevant Regulations:

Regulation no.9(i) of Delhi Water & Sewer (Tariff and Metering) Regulations, 2012 provides that “Sewerage maintenance charges” is levied from the owner/occupier of such properties whose Board water connection is either lying cut off or no connection exist but who are using ground water or water from other sources and discharging sewage into the Board sewerage system, on such rates as prescribed in Annexure-III of Schedule II hereto.

Previous Mediation and Conciliation Proceedings:

The same grievance/claim was also raised by the consumer in Mediation & Conciliation Centre, Rohini vide Ref No.28/RMC/HO/2017/Med-18. The consumer had withdrawn the case on mutual understanding and acceptance of payment/refund of Rs.19,668/- vide letter dated 04.05.2017 (Rcc# RMC/2017/REC/477 dated 04.05.2017) of the consumer addressed to Addl.Director, Mediation Centre, Rohini.

Mention may be made here that an amount of Rs19,668/- was refunded to the consumer in June,2017. In addition to that Rebate amount to Rs.25,838/- and Rs.17,857.56 as were admissible to the consumer had duly passed in his account.

Re-examination/re-consideration of the case:

The claim of the consumer has been examined many times, even at the level of DJB(HQ) in the light of above rule, regulation and factual position of the case. However, considering the directions of the Hon'ble PGC in Para No.2.3 of the orders dated 21.09.2020, the matter was re-examined and re-considered by the Director(Revenue).

Regarding **submission of documentary proof to show that the complainant has in fact used the sewage system during the period from 2011-2016 and contentions that respondent department should have checked/inspected the premises of the complainant every year with regard to usage of sewage system by the complainant and the bill should have been raised accordingly, if there were confirmed reports that the sewage system have actually been used by the complainant**, it is submitted that this aspect has also been already examined by the then Director(Revenue) while deciding this case on 29.08.2018. It was considered that as per plan, the premise is having a toilet. Even after cutting of the water connection in August, 2007, on account of non-payment of dues, the consumer used the premise for commercial purposes till re-opening the water connection in 2016. Since it is a LIG Flat, the toilet must have been used and therefore, there was a discharge in the sewage system. Further, as per orders of the Hon'ble PGC, the site was inspected on 20.09.2020 and it has been re-confirmed that the premises in question is still being used for commercial purpose despite of its allotment by DDA under RESIDENTIAL SCHEME vide ATR

dated 21.09.2020 submitted in PGC along with photographs with endorsement of a copy of ATR to the complainant. As per office record, a water connection No.0665070000 with open water and sewer agreement is functional at site which shows that at present the consumer is availing services of DJB's potable water and sewerage discharge.

That DJB has more than 25 lakhs active water connections. Bills are raised only in respect of active water connection on the basis of meter reading recorded by Meter Readers by field visit. In DJB bill, Water Charges are raised on the basis of water consumption and whereas Sewer Charges are levied at standard rate of 60% of water charges. There is neither any rational nor any instructions to the field staff to visit at the premise(s) where there is no water connection or water connection is disconnected/lying cut off. However, at the time of re-opening of water connection, "Sewerage maintenance charges" is levied at the prescribed rates in accordance to the Regulation no.9(i) of Delhi Water & Sewer (Tariff and Metering) Regulations, 2012.

Final Outcome

It has been re-confirmed once again that Addl.Sewer Charges amounting to Rs.57,750/- calculated @ Rs.1000/- p.m. from 1.04.2011 to 15.01.2016 had been correctly levied from the consumer at the time of re-opening of water connection in 2016 as per Regulation no.9(i) of Delhi Water & Sewer (Tariff and Metering) Regulations, 2012 which were also paid by him on 18.11.2016. Hence, question of refund does not arise.

Further, DJB levies such charges in all the similarly placed consumers as a matter of Policy/Regulation and the consumer in question here, has not been subjected to any discrimination.

Since there is no discrimination to consumer, it may not be considered as "Grievance". In case, the consumer intends to challenge existing prevailing Policy/Regulations in DJB, he may try the case in the Hon'ble High Court. It is not understood as to why the consumer is being allowed to agitate the same claim again and again which has already been settled in the Mediation & Conciliation Centre, Rohini vide Ref.No.28/RMC/HO/2017/Med-18 with his due consent. The consumer had withdrawn the case on mutual understanding and on acceptance of payment/refund of Rs.19,668/- vide letter dated 04.05.2017."

3. Directions :

3.1 The Commission notes that as per the submissions made in the action taken report dated 10.05.2021, the respondent department has done enough exercise in examining the matter as per their Policy/Regulations, Hence, the case of the complainant stands disposed of in the Commission. The complainant, if he so wishes, may approach any other appropriate forum or court of law with regard to redressal of his present grievances.

(MRS. MADHU SHARAN)
MEMBER(PGC)

No. PGC/2019/A.II/DJB/72

Dated:

1. The Chief Executive Officer, Delhi Jal Board, GNCT of Delhi, Varunalaya, Phase-II, Karol Bagh, New Delhi-110005.
2. The Director (Revenue), Delhi Jal Board, GNCT of Delhi, Varunalaya, Phase-II, Karol Bagh, New Delhi-110005.
3. The Nodal Officer, Delhi Jal Board, GNCT of Delhi, 5th floor, Varunalaya, Phase-II, Karol Bagh, New Delhi-110005.
4. Shri B.L. Kuru, Public Grievances Officer, Delhi Jal Board, GNCT of Delhi
E mail: ee.blkuru1963@gmail.com
5. The Zonal Revenue Officer(North-West)-II, Delhi Jal Board, GNCT of Delhi, Sector-6, Rohini, New Delhi-110085.
6. Shri Sanjeev Sehgal.