

PUBLIC GRIEVANCES COMMISSION

(Govt. of NCT of Delhi)

M-Block, Vikas Bhawan, IP Estate, New Delhi - 110110

Tel. No. 011-23379900, 23379901, Fax No. 011-23370903

Website : www.pgc.delhigovt.nic.in E-mail : pgcdelhi@nic.in

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.1997

Date of hearing: 25th Nov.2020

Complainant : Shri D.C. Gautam
Respondent : Chairman-cum-Mng. Director
Delhi Transport Corporation
Through :-
Sh. Mahesh Gupta, I/C Estate
Ms. Preethi Menon,
Business Manager, BYPL
Shri Sanjeev Valecha,
From BYPL
Shri K. Jagatheesh,
Senior Manager, BYPL
Grievance No. : PGC/2019/A-II/DTC/03

1. Brief Facts of the Case

Shri D.C. Gautam has filed a complaint in the Commission on 7.3.2016 alleging illegal encroachment at Plot No. T-460 and T-841, Desh Bandhu Gupta Road, Faiz Road, Karol Bagh, New Delhi.

The said matter was heard and closed in the Commission on 30th October, 2018 with the direction to CMD, DTC *"to personally monitor this case and ensure that all illegal occupants are evicted and govt. land is recovered"*. This case has been re-opened on request of the complainant Shri D.C. Gautam.

2. Facts emerged during the hearing

2.1 Shri Mahesh Gupta, Incharge Estate, DTC filed a reply dated 23.11.2020 stating that MD (DTC) had called a meeting of the officers of Trade Licensing Department, North DMC, BSES and DJB on 11.11.2020. However, the meeting was attended by the officers of BSES only. A request was made by BSES officers to conduct a joint inspection of the impugned plots alongwith CED & Estate office of DTC to identify the plots where illegal occupants exist so that disconnection process could be initiated. MD (DTC) directed for a joint inspection of the site on 18.11.2020, but again, no representative from DJB and North DMC was present. During the inspection on 18.11.2020, the BSES officers were shown the illegal occupants whose electrical connections are to be disconnected. The BSES officers stated that action taken report in the matter will be submitted to the Public Grievances Commission at the hearing.

2.2 Ms. Preethi Menon, Business Manager, BYPL filed a reply dated 25.11.2020 informing that sample of subject cases were examined and the

electricity connections were found to be in compliance with guidelines of DERC.

3. Directions of PGC

3.1 The BSES has reported that as per examination of the sample of the subject cases, the electricity connections have been issued as per the guidelines of DERC. Thus, it is evident that there cannot be any disconnection of electricity connections provided by BSES. However, the Commission is of the view that BSES being a public entity (service provider) has a responsibility to ensure that government land is not encroached. Therefore, while granting electricity connections, the land owning agency shall always be consulted.

3.2 As there are various references of court cases in the instant matter, a clarification on the pending court cases was sought from Delhi Transport Corporation. The Corporation vide its letter dated 12.2.2021 has informed that title suit bearing no. 68/2020 titled Jai Singh & Ors. Vs. DTC & Ors. in respect of ownership of plot No. 1, 2 & 3, D.B. Gupta Road, B-Block, Jhandewalan is pending before the Hon'ble Court of Addl. District Judge-08. The matter, therefore, is sub-judice to decide the ownership of the property and until the suit (court case) is decided, one way or the other, the grievance of the complainant cannot be resolved. The DTC in its submissions has suggested that for satisfactory disposal of this instant grievance, in the interest of justice, the complainant may be advised to implead himself in this, as a party to the suit, by filing an application under order 1 rule 10 of CPC 1908.

3.3 The prime responsibility in the present matter is with Delhi Transport Corporation to protect its property i.e. land. The matter is sub-judice and hence, there cannot be any further intervention on the part of this Commission. DTC is required to diligently plead the matter before the Hon'ble Court. And, once the matter is decided, further action shall be ensured as per the directions of the Court. This requires indulgence as well as supervision on the part of the Managing Director, Delhi Transport Corporation.

With the above observation, the Commission decides to close the matter.

(SUDHIR YADAV)
MEMBER(PGC)

1. Shri Vijay Kumar Bidhuri, IAS, Managing Director, Delhi Transport Corporation, I.P. Depot, I.P. Estate, ND-2
2. Shri S.A. Khan, Deputy CGM(Estate), Delhi Transport Corporation, Estate Office, Peera Garhi Depot, ND-63
3. Shri Brajesh Ranjan, Head Customer Care, BSES Yamuna Power Ltd., CBD-III, First Floor, opposite Unity One Mall, Karkardoom, Delhi -110092.
4. Shri D.C. Gautam