

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: 03rd Oct., 2019

Complainant : Ms Vina Verma,
Respondent : Deputy Commissioner
(Karol Bagh Zone), North DMC
Grievance No. : PGC/2018/MCD/70

1. Brief facts of the complaint

Ms. Vina Verma has filed a grievance in PGC regarding unauthorized construction in House No. 11192/11212, Mandir Road, Dori Walan, Delhi - 110006.

2. Proceedings in the Public Grievances Commission

The PGC has convened nine hearings in the matter so far and in the hearing held on 03.10.2019, the following are present:

Complainant : Present
Respondent : Sh. Kumar Mahendra, EE(B)
Sh. P. K. Jindal, AE(B)/KBZ
Sh. Jasvinder Kumar, SVI/Vig.

3. Relevant facts emerging during the hearing

3.1 Sh. Kumar Mahendra, EE(B), Karol Bagh Zone is present in the hearing and submitted a status report stating that “the property was inspected and as per verbal information no unauthorized construction, as alleged in the complaint, had been seen although some repair works were being carried out. Reliance have been placed upon the registered documents bearing No. IN-DL064419721764420 dated 20.01.2015 wherein one Sh. Vinay Kumar Gupta had sold property no. 11192 and 11212, Shidhi Pura, Manak Pura, Karol Bagh, New Delhi to Smt.

Lalita w/o Sh. Ramesh Chand, Resident of 11192, Shidhi Pura, Delhi wherein the floors under sale had been mentioned to be Ground Floor, First Floor, Second Floor and Third Floor with roof. This factum makes the allegation of constructing two storeys over and above the existing ground floor and first floor in the year 2017 unfounded. Records further reveal that some projections at ground floor and first floor had been demolished on 09.07.2018 at ongoing stage. This aspect has also been confirmed by the complainant vide her acknowledgement dated 03.08.2018. Copies of the documents as provided by the owner / available on records are enclosed herewith for ready reference please.

Another complaint was received in this office on 31.12.2018. Upon complaint, the property had been inspected by the then staff and it was found that some construction / repair works had been carried out in the rear side of the old and occupied property. Upon query, the owner / occupier had provided a letter issued by the Asstt. Engineer (W)-III; Division M-II/KBZ bearing no. D-183(I)/AE(W)-III/KBZ dated 16.08.2018 wherein intimation / information regarding permission for repairing / renovation work in property no. 11212 Doriwalan, Karol Bagh, Delhi had been issued to owner, Smt. Lalita Gangwal, 11212-11192, Doriwalan, Karol Bagh, Delhi.

The owner had further informed that the repair works had been carried out in pursuance of the letter mentioned above. The letter bearing No. D-183(I)/AE(W)-III/KBZ dated 16.08.2018 was taken into cognizance and the relevant contents of UBBL had been considered. The owner had not allowed to enter the premises twice. However, having seen projections on Municipal land at the roof level of Ground Floor, First Floor and Second Floor the same had been booked vide No. B/UC/KBZ/2019/36 dated 08.02.2019. Rest of the structure seemed to be old. The property under reference is in special area. Reply bearing diary no. 1700 was received in the Division on 15.02.2019. Copy of the same is annexed for ready reference.

The reply dated 15.02.2019 was taken into consideration and hearing was granted to the owner in the principle of natural justice. After considering the submission made by the owner and the documents / response placed before the Asst. Engineer (B) concerned, a detailed speaking order of demolition was passed by the Asst. Engineer (B) vide No. D/AE/(B)/KBZ/2019/898 dated 23.05.2019. A copy of the same is annexed herewith for ready reference please.

Demolition action had been fixed for 04.06.2019 wherein Chajja extended in rear side at Municipal land had been demolished at terrace. Subsequent action had been fixed for 17.06.2019 wherein projection and toilet constructed over it had been demolished at the roof of Ground Floor, First Floor and Second Floor in the rear side of the property. Steel girder had been cut. Demolition charges amounting to Rs. 31,500/- had also been levied upon the owner. The action led to the removal of the entire contents of the booking and therefore, no sealing / prosecution was warranted.

Action under the DMC Act had been initiated immediately after the receipt of the complaints and the detailed action has been elaborated in the preceding paras. No delay has been caused.”

The complainant present in the hearing refuted the claim of the department and stated that construction was carried out in 2018.

3.2 Sh. Kumar Mahendra, Ex. Engineer (B) present in the hearing was advised to inspect the property and verify the claim of the complainant and submit a report on 04.10.2019.

3.3 Sh. Jasvinder Kumar, S.V.I, Vigilance Department is present in the hearing and submitted a Status Report on behalf of Sh. Jai Pal, Asst. Commissioner, Vigilance Department stating that

“the concerned officials of building department, Karol Bagh Zone have submitted their statement dated 04.09.2019 & 06.09.2019 and the copy of letter dated 16.08.2018 mentioning intimation /

information regarding permission for repairing / renovation work in Property No. 11212, Doriwalan, Karol Bagh has been obtained.

After obtaining statement of concerned officials and procurement of relevant records, the investigation in the matter i.e. unauthorized construction at property no. 11192/1212, Mandir Road, Doriwalan, Karol Bagh is about to conclude on the basis of record available so far. However, the concerned IO, who is dealing with the complaints pertaining to Karol Bagh Zone has right now been assigned some other burning issue pertaining to the investigation regarding Fire Incident at Hotel Arpit Palace, Karol Bagh.

In view of the above facts, it is requested that some more time at least two weeks may please be given so that that investigation in the matter may be brought to a logical conclusion and the same will be put up to higher authority for appropriate orders in the matter. After obtaining the appropriate orders from higher authority, the same will be brought to the notice of Hon'ble PGC."

3.4 Sh. Kumar Mahendra, Ex . Engineer (B), Karol Bagh Zone submitted a status report on 04.10.2019 after inspecting the property, wherein it has been stated that

"In continuation to the report filed before the Hon'ble Commission dated 27.09.2019 and post discussion with the PGC, the site was inspected by the undersigned in the presence of the area AE/JE(B) and Ms Vina Verma, the complainant. Every content had been explained to her at the site. It is categorically mentioned that no ongoing construction had been seen at the site. Reliance is placed upon the registered documents bearing No. DL06441-9721764420 dated 20.1.2019 wherein the floors under sale had been shown as GF, FF, SF, TF. Therefore, the construction under complaint could not have come up during 2017-18. The grievance has already been addressed to. There is explicit acceptance of timely action by the Corporation on record, by the complainant. "

From the report submitted by the Ex. Engineer (Bldg.), Karol Bagh Zone it appears that the points raised by the complainant in her complaint have been addressed.

4. Recommendations of the PGC

4.1 Sh. Jai Pal, Asstt. Commissioner, Vigilance Department, North DMC is advised to complete the enquiry in the matter and submit the findings of the enquiry and Action Taken on the same to the Commission by 15.11.2019.

4.2 As the grievance of the complainant regarding unauthorized construction has been redressed, the matter stands closed at the level of this Commission with the above direction. The Exe. Engineer may please ensure that the demolition charges of Rs. 31,500/- are recovered from the owner of the property.

(ASHOK KUMAR)
CHAIRMAN

No.PGC/2018/MCD/70/

Dated :

Copy to:

1. Sh. Kumar Mahendroo, Ex. Engineer (B), Karol Bagh Zone, North DMC, Near Khalsa College, Anand Parvat, New Delhi – 110005
2. Sh. Jai Pal, Asstt. Commissioner Vigilance, North DMC, 26th Floor, Civic Centre, JLN Marg, New Delhi – 110002
3. Ms Vina Verma