

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 Usha Rani & Nisha Gupta

Respondent : Deputy Commissioner (Karol Bagh Zone), North DMC,

Grievance No. : PGC/2019/MCD/39

1. Brief facts of the complaint

Ms Usha Rani & Nisha Gupta have filed a grievance in PGC regarding encroachment in common Gali in Shidi Pura, Karol Bagh.

2. Proceedings in the Public Grievances Commission

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

Complainant : Present

Respondent : Sh. Kumar Mahendroo, EE(B)
Sh. P. K. Jindal, AE(B)/KBZ

3. Relevant facts emerging during the hearing :

3.1 Sh. Kumar Mahendroo, EE(B), Karol Bagh Zone is present in the hearing and submitted a status report stating that "the property bearing No. 8699, Gali No. 14-B, Shidhipura, New Delhi had been erected after getting sanctioned building plan vide ID No. OBP/SPZ/2016/10037229 dated 23.12.2016. The building plan was sanctioned for Stilt, Ground Floor, First Floor, Second Floor and Third Floor.

At present the property consists of Stilt, Ground Floor, First Floor, Second Floor and Third Floor. However, the property had been

booked vide file no. B/UC/KBZ/2018/82 dated 12.02.2018 in the shape of deviation / excess coverage at Stilt, Ground Floor, First Floor, Second Floor and Third Floor against SBP no. OBP/SPZ/2016/10037229 dated 23.12.2016.

The non-compoundable deviations, in respect of the excess coverage / contents of the booking had been demolished by the owner/occupier and the completion-cum-occupancy certificate had been got issued by the Architect under the Saral Scheme vide ID No. 10048601 dated 17.04.2018 under the provisions of the UBBL-2016.

It is worth to apprise that a court case had been filed before the Hon'ble High Court of Delhi by the applicant herein. The matter was adjudicated vide WPC No. 3714/2017 and the same was disposed of by the Hon'ble High Court on 03.05.2017 with the directions to the corporation that an opportunity of hearing be given to the petitioner, and a reasoned order be passed. The same be communicated to the petitioner and other respondents thereof.

Accordingly, in compliance of the order of the Hon'ble High Court dated 03.05.2017 a reasoned order was passed vide no. D-114/AE(B)-I/SPZ/2017 dated 24.05.2017 by the then AE(B) wherein the officer after having considered the facts and circumstances of the case had concluded that the area of the property in question at site was same as mentioned in the conveyance deed and the site plan submitted by the owner of the property. It has further been stated in the order that no gali existed between Plot No. 8699 and 8700. The property, in question is L- shaped and is same as sanctioned in the Building Plan.

An Appeal vide No. 436/2017, titled "Suman Devi Vs North DMC" has also been filed before the Hon'ble Appellate Tribunal MCD by the applicant herein against the sanctioned building plan. The matter has been posted for further hearing on 23.10.2019.

The contents of the grievance of the applicant had already been considered by the then AE(B) while making compliance of the orders of the Hon'ble High Court dated 03.05.2017 and reasoned order had already been passed and communicated to the applicant herein. However, this office shall comply with the orders/final outcome of the appeal pending adjudication before the Hon'ble Appellate Tribunal MCD."

4. Recommendations of the PGC

4.1 It is informed by the Ex. Engineer (B) that the complainant has filed an Appeal in ATMCD challenging the sanctioned building plan of the property.

Sh. Kumar Mahendroo, Ex. Engineer (B) is advised to take further necessary action in the matter as per orders of the ATMCD and as per provisions of the DMC Act.

4.2 Ms Akriti Sagar, Deputy Commissioner, Karol Bagh Zone is advised to ensure that further necessary action in the matter is taken by the concerned officers as per orders of the ATMCD.

With the above directions the matter stands closed at the level of this Commission.

(ASHOK KUMAR)
CHAIRMAN

No. PGC/2019/MCD/29/

Dated:

Copy to:

1. Ms Akriti Sagar, Deputy Commissioner, Karol Bagh Zone, North DMC, Zonal Office Building, Near Khalsa College, Anand Parvat, New Delhi – 110005
2. Sh. Kumar Mahendroo, Ex. Engineer (B), Karol Bagh Zone, North DMC, Near Khalsa College, Anand Parvat, New Delhi – 110005
3. Ms Usha Rani
4. Ms Nisha Gupta