

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.97

Date of hearing: 16.09.2020

Complainant : Smt. Sangeeta Tyagi – Present.

Respondent : Chief Executive Officer,
Delhi Jal Board,
Govt. of NCT of Delhi,
Through Sh. Amit Jain, Jt. Director(R), NE
Sh. Ombir Singh, M.I.

Sh. S.K. Meena, EE(B)-II
Shah.(N), EDMC - Present.

Grievance No. : PGC/2019/A.II/DJB/31

1. Brief facts of the case.

1.1 Smt. Sangeeta Tyagi, complainant, has filed a grievance petition in Public Grievances Commission, aggrieved by not providing water and sewer connection at her residence i.e. F-17C, St.No.10, Brahmpuri, Delhi-110053 (Ward No.93) by Delhi Jal Board. Further, she stated in her complaint that she had undertaken some repair work in the year 2017 but her neighbour, Shri Ashok Kumar Sharma (deputed in Police Headquarters) and Ms. Bhawna Sharma demanded a bribe of Rs.1.00 lac from her. When she did not bribe him, Shri Ashok Kumar Sharma lodged a false complaint in MCD and got the repair work stopped. Further, on 13.10.2017, when she refused to pay the bribe of Rs.1.00 lac, she was threatened and assaulted. In this regard, FIR No.1066/17, u/s 324, 354, 354B, 506, 509 P.S. New Usmanpur was registered. Further, she is being continuously harassed by the said Shri Ashok Sharma.

She has further mentioned that for water and sewer connection she had applied online on 23.1.2019 vide File No.A.R.No.325807485514. Necessary Sewer Development Fee in respect of her property has already been deposited and there is nothing outstanding against her property. She has requested to provide water and sewer connection at the earliest as in the absence of these, they are facing great difficulty to carry on with their day-to-day activities. It is important to note that every other resident of that area including the ASI Ashok Kumar Sharma who lives close by has water & sewer connection.

2. Facts emerged during the proceedings

2.1 Shri S.K. Meena, Executive Engineer(B-I), East Delhi Municipal Corporation, filed an action taken report, which is taken on record. It is stated that *"The Property No.F-17(Part), Gali No.10, Brahmpuri, Delhi-53 of the complainant was inspected by the concerned Junior Engineer on 26/09/2017 and found u/c of Ground Floor with projection on Municipal Land. Therefore, action u/s 343 and 344(1) of DMC Act, 1957 was initiated against the u/c vide file dated 26/09/2017 and show cause notice was served upon Sh.Samay Singh Tyagi/Owner/builder on the same address vide 10099 dated 26/09/2017 with the direction to show cause as to why demolition of unauthorized construction be not ordered. Further, the work stop notice u/s 344(2) pf DMC Act, 1957 was sent to Sh. Samay Singh Tyagi/Owner/builder and SHO, PS New Usmanpur vide No.AE(B)-II/SH-N/2017/D492 dated 06/10/2017. Further NGT challan dated 06.10.2017 for Rs.5000/- as Environmental Compensation against offending construction vide No.EE(B)-II/SH-N/2017/D-615 was issued to Sh. Samay Singh Tyagi/owner/builder of the property. Further, on non-receipt of satisfactory reply on demolition notice, the demolition order was passed on 30.10.2017. Further, CEO(BYPL), Karkardooma Shahdara, Delhi was requested to disconnect the electric supply in the above said property vide letter dated 12/12/2017. Further, Superintending Engineer, Delhi Jal Board, Janta Flat, GTB Enclave, Nand Nagri, Delhi was requested to disconnect the water supply in the above said property vide letter dated 12.12.2017. Further, Sub-Registrar, GNCT of Delhi, Nand Nagri, Shahdara was requested to take immediate steps required under relevant Act/Law not to permit the sale and purchase of the said property vide letter dated 12.12.2017. **That an appeal no.635/18 was made by Sh. Samay Singh Tyagi & Anr. at Hon'ble ATMCD Court on 04/09/2018 against Show Cause Notice and orders dated 26/09/2017, 06.10.2017 and 13.10.2017 which was rejected by Hon'ble ATMCD Court vide order dated 12.10.2018.** That attempts for demolition of unauthorized construction were made on 26.12.2017, 16.02.2018 and 20.11.2018 but the action could not be taken due to non-availability of labour on 26.12.2017 and due to shortage of time on 16.02.2018 and 20.11.2018.*

That the property was again inspected by the concerned Junior Engineer on 14.05.2019 and found unauthorized construction at First Floor and Second Floor in addition to unauthorized construction at Ground Floor already booked vide file No.401/UC/B-II/SH-N/2017 dated 26.09.2017. Therefore, action under section 343 and 344(1) of DMC Act, 1957 was initiated against the unauthorized construction vide file no.231/UC/B-II/SH-N/2019 dated 14.05.2019 and Show Cause Notice was served upon Sh.Samay Singh

Tyagi/Ms. Sangeeta Tyagi on the same address i.e.13064 dated 14/05/2019 with the direction to show cause as to why demolition of unauthorized construction be not ordered. Further, the sealing show cause notice vide no.DC/SH-N/B-II/2019/D-451 dated 21/05/2019 was issued to the owner/occupier Sh.Samay Singh Tyagi/Ms.Sangeeta Tyagi under section 345A of DMC Act. Further, the property was sealed on 16/07/2019 at main entry of the property from Gali No.10.

That a letter to lodge FIR u/s 188 IPC & 466-A of DMC Act against owner/builder/occupier Sh.Samay Singh Tyagi & Smt.Sangeeta Tyagi was issued to SHO PS Usmanpur, Delhi vide DC/SH-N/2019/D-235 dated 27.08.2019 when the seal affixed was found tampered by concerned JE(B) on 27.08.2019 during a scheduled programme for demolition. Thereafter, the property was resealed completely after taking part demolition action at the terrace of the property.

Accordingly, the action against unauthorized construction was taken as per DMC, Act, 1957.

2.2 The complainant present stated that the new construction in the premises has been done within the limited area. She stated and confirmed that water is being supplied regularly on the old connection in the same premises. However, she wants a new water connection on the new construction done in the same premises. Furthermore, she would also be filing an appeal before the Hon'ble ATMCD against the Show Cause Notice and orders dated 26/09/2017, 06/10/2017 and 13/10/2017 which was rejected earlier by the Hon'ble Court vide order dated 12.10.2018.

2.3 The complainant and the representatives of the DJB and EDMC has been heard at length. The records have also been perused submitted by both the parties.

3. Directions

3.1 In view of the above deliberations, the Commission do not want to interfere in the present matter of providing new water connection in the same premises where already a functional old water connection exists. Further, the EDMC is already in the process of taking appropriate action with regard to demolition of unauthorized construction in the premises of the complainant, as per rules. Moreover, the complainant had also filed an appeal in this regard before the Hon'ble ATMCD which was rejected vide orders dated 12.10.2018. It has also been admitted by the complainant that an old water connection is already functional in the same premises but she wants a new water connection in the new construction raised by her in the same premises.

3.2 Therefore, the case of the complainant stands disposed of in the Commission with the direction to EDMC to settle the grievance of the complainant as per rules. and convey the decision to Delhi Jal Board to enable them to take appropriate action further as per rules. Further, EDMC and Delhi Jal Board shall look into the grievance of the complainant with regard to unauthorized construction and water connection provided to other residents in the area in a similar situation. In case of any deviation, action be taken accordingly as per rules against the wrongdoers.

(MRS. MADHU SHARAN)
MEMBER(PGC)

No.PGC/2019/A.II/DJB/31

Dated:

1. Chief Executive Officer, Delhi Jal Board, Govt. of NCT of Delhi, Varunalaya Phase-II, Karol Bagh, New Delhi.
2. Director (Revenue), Delhi Jal Board, Govt. of NCT of Delhi, Varunalaya Phase-II, Jhandewalan, Karol Bagh, New Delhi.
3. The Nodal Officer (PGC), Delhi Jal Board, Govt. of NCT of Delhi, Varunalaya Phase-II, Jhandewalan, Karol Bagh, New Delhi.
4. Shri Amit Jain, Jt.Director(Revenue), N/E, Delhi Jal Board, GNCT of Delhi, G.T. Road, Shahdara, Delhi.
5. Zonal Revenue Officer (N/E)-III, Delhi Jal Board, GNCT of Delhi, New Seelampur Zone, Delhi-110053.
6. The Executive Engineer(Bldg.)-II/SH-North, East Delhi Municipal Corporation, Shahdara North Zone, Keshav Chowk, Near Welcome Metro Station, Shahdara, Delhi-110032.
7. Smt. Sangeeta Tyagi.