

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT 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: 22.12. 2020

Complainant : Sh. Gurdeep Singh,
Ms. Kavita Chatrath

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

Grievance No. : PGC/2019/MCD/89

1. Brief facts of the complaint

Sh. Gurdeep Singh and Ms. Kavita Chatrath have filed a grievance in PGC against the unauthorized construction of 3rd, 4th & 5th floor on property, 6A/3, W.E.A., Karol Bagh, New Delhi – 110005 and requested the PGC for intervening in the matter.

2. Proceedings in the Public Grievances Commission

The PGC has convened eight hearings in the matter so far and in the hearing held on 24.11.2020, the following are present:

Complainant : Present

Respondent : Sh. S.K.Sharma, AE (B)
Sh. S.Nagesh, VI, North DMC

3. Relevant facts that emerged during the hearing

3.1 Sh. S.K.Sharma, Asstt. Engineer (B), Karol Bagh zone is present in the hearing and submitted a status report stating that :

“1. That action against unauthorized construction i.e. the shape of ground floor, first floor, second floor, third floor, fourth floor and fifth floor (two rooms) in property No. 6-A/3, WEA, Karol Bagh, New Delhi has been initiated under section 343 of the DMC Act, 1957 vide file No. B/UC/KBZ/2019/500 dated

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20.11.2019. A show cause notice vide No. B/UC/KBZ/2019/500 dated 20.11.2019 was issued to the owner / occupier. The service of the show cause notice was effected at site on 22.11.2019 and the same was received by the appellant on 22.11.2019. It is submitted that reply to the show cause notice was submitted by the appellant and the hearing in respect of the aforesaid show cause notice was attended by Sh. Dinesh Bhama. Thereafter, the demolition order has also been passed in respect of the said unauthorized construction in the shape of ground floor, first floor, second floor, third floor, fourth floor and fifth floor (two rooms) in this property vide No. B/UC/KBZ/2019/500 dated 11.01.2020. The service of the demolition order was effected through speed post on 20.01.2020.

2. That earlier Sh. Manoj Bansal had preferred an appeal bearing No. 172/2020 against the demolition order before the Hon'ble Appellate Tribunal, MCD and the North DMC had filed the record pertaining to unauthorized construction file alongwith status report in that appeal. It is submitted that the Hon'ble Tribunal was pleased to dismiss the stay application in that appeal and later on that appeal was dismissed as withdrawn.

3. That thereafter, Sh. Manoj Bansal had preferred another appeal bearing No.212/2020 against the demolition order before the Hon'ble Appellate Tribunal, MCD. A detailed status report was filed by the Building Department, Karol Bagh Zone, North DMC in the said appeal on 18.09.2020 wherein it was specifically mentioned that the Public Grievances Commission is seized with the matter of unauthorized construction in this property. It was submitted that a complaint vide Grievance No. PGC/2019/MCD/89 filed by Sh. Gurdeep Singh and Ms Kavita Chatrath regarding unauthorized construction in the property in question before the PGC. It was submitted in the said status report that on 27.11.2019 the fact of booking of the unauthorized construction was brought to the

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notice of the PGC and the PGC had directed the North DMC to take further action in the matter and submit action taken report on the next date of hearing and the matter was adjourned.

4. *That after hearing the arguments in appeal bearing No. 212/2020, the Hon'ble Appellate Tribunal, MCD has vide order dated 18.09.2020 restrained the North DMC from taking demolition action in the third floor and fourth floor of Property No. 6-A/3, WEA, Karol bagh, New Delhi in terms of order dt. 11.01.2020 till next date of hearing and the matter was adjourned for 23.10.2020. Now the said appeal is listed for hearing on 28.01.2021.*

5. *That the Building Department, Karol Bagh, Zone, North DMC has issued a lock breaking notice u/s 433 of the DMC Act, 1957 vide No. 807/EE(Bldg.)/KBZ/2020 dated 27.02.2020. The Building Department, Karol Bagh Zone, North DMC has taken a demolition action in this property on 29.10.2020 at fifth floor of the property. In the said action the two RCC panels and one wall at fifth floor has been demolished and the reinforcement was also cut with gas cutter. It is submitted that no action has been taken on the water storage tanks.”*

3.2 Sh. T.Taneesh, Vigilance Inspector, North DMC is present in the hearing and submitted a report stating that :

“A letter dated 13.11.2020 followed by reminders dated 23.11.2020 & 16.12.2020 were sent to Deputy Commissioner, Karol Bagh Zone for examining the matter and forwarding an ATR to Vigilance Department for its onward submission before the Hon'ble PGC but the same is still awaited from the Deputy Commissioner, Karol Bagh Zone.”

3.3 As per report submitted by the AE (B), Karol Bagh Zone it is seen that demolition action on fifth floor has been taken by them and action on third and fourth floor could not be taken as the matter is pending in the ATMCD and ATMCD has restrained the North DMC from taking action on the same.

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3.4 Complainant present in the hearing also accepted that the demolition action on the fifth floor of the property has been taken by the officers of the Karol Bagh Zone. He has further informed that he has got repaired his water tank and now there is no water problem.

4. Recommendations of the PGC :

4.1 Action, as deemed fit in present situation, on the part of the Building Department, Karol Bagh Zone is taken and the complainant is also satisfied with the same. Demolition action against the third & fourth floor of the property is challenged in the ATMCD and ATMCD has restrained the North DMC from taking action against the same. Building Department is advised to take further necessary action in the matter as per the orders of the ATMCD & provisions of the DMC Act.

4.2 Chief Vigilance Officer, North DMC is advised to ensure that the matter is pursued with the Deputy Commissioner, Karol Bagh Zone for requisitioning records, by the concerned officers and the same is enquired in a time bound manner so that the purpose of enquiry is not defeated.

4.3 If the order of the ATMCD is not complied with by the North DMC the complainant may again approach the PGC.

With the above advices the matter stands closed in the Commission.

(MRS. MADHU SHARAN)
MEMBER

No. PGC/2019/MCD/89/

Dated:

To:

1. Chief Vigilance Officer, North DMC, Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, Delhi.

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2. Sh. Kumar Mahendra, Ex. Engineer (B), Karol Bagh Zone, North DMC, Near Khalsa College, Anand Parvat, New Delhi - 110005 .

Copy for information to :

Sh. Gurdeep Singh and Ms. Kavita

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