

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: 02nd Dec., 2020

Complainant : Sh. Satyender Kumar Dhawan
Respondent : Managing Director, DSIIDC
Delhi Jal Board
Grievance No. : PGC/2015/DSIIDC/56

1. Brief Facts of the Case

Shri Satyender Kumar Dhawan had filed a complaint in PGC on 17.06.2015 requesting for restoration of sewer system, garbage collection system, drinking water supply to 3164 flats, repair of boundary wall constructed under Rajeev Gandhi Housing Project, Sector-3, Bawana Industrial Area, Bawana, Delhi.

2. Proceedings in the Public Grievances Commission

The PGC has convened several hearings in the matter and in the hearing held on 02.12.2020, following are present:

Complainant : Present
Respondent : Sh. Rohit Kumar, SE, DSIIDC
Sh. Vikas Gupta, D.M., DSIIDC
Sh. Sh. Sudhir Kumar, E.E., DJB

3. Relevant Facts that emerged during the hearing

Shri S.K.Dhawan had filed a complaint aggrieved by nonexistent sewerage system, garbage collection system and damaged boundary wall

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/ broken gates in the Rajeev Gandhi Housing Project, Sector-3, Bawana Industrial Area. The matter was taken up for hearing in July, 2015. At the initial hearings, it reveals that there were 3164 houses in the complex. DSIIDC informed that it had to maintain the complex for two years after completion of the housing complex. After allotment of flats, the maintenance of the flats was to be done by the RWA at its own cost by collecting contributions from individual allottees. For DSIIDC, the maintenance was to be done by a concessionaire named M/s Bawana Infra Development Pvt. Ltd., as per an agreement. Delhi Jal Board informed that it provided bulk water connection to DSIIDC Bawana and sufficient quantity of water was supplied by DJB. Internal water supply distribution system was being maintained by DSIIDC.

The complainant contended that Delhi Jal Board sanctioned one bulk water connection for Industrial Estate Bawana and there is no separate connection for residential complex. Separate water connection for the residential complex was required. DSIIDC made no serious efforts to provide drinking water supply to the residential complex. It installed two submersible pumps but without approval of DJB and the water was not fit for drinking purposes.

DSIIDC took up the matter with Delhi Jal Board stating that requests have been made to improve the water supply. Also, the electronic water meter installed at Bawana Industrial Area was not functional since the installation. DSIIDC further informed that the DJB was charging water charges on the basis of commercial / industrial category II from DSIIDC. The water was being received at one point from DJB, stored in UGR and supplied to entire Industrial Estate. As such, DJB was requested to raise water bill of cooperative group housing society to charge on the basis of individual connection.

To sort out various issues, a meeting was held by different wings of

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DSI IDC with the concessionaire and representatives of RWA. During the meeting it was decided that all the services be handed over to the concessionaire in functional condition by the housing division of DSI IDC subject to payment of deficiency amount by the RWA to the housing division. The concessionaire agreed to take over the services subject to handing over to them in functional condition. Regarding water connection, it was discussed that DSI IDC is ready to provide water supply through concessionaire for which RWA will have to bear cost as per DJB's residential / commercial tariff as chargeable to the concessionaire by DJB. The maintenance charges for roads, sewerage, water supply, drainage, park and street light were to be charged by the concessionaire as per notified rates for industrial areas. For all these an undertaking was required from RWA on legal paper, with the consent of all the allottees. To ascertain if the society was registered, information was sought from Revenue Department

Executive Director, DSI IDC and MD, DSI IDC held a meeting on 17.04.2018 to arrive at a workable action plan to resolve the issues raised by the complainant. During the meeting it was decided that maintenance of common portion and common services was to be taken over by RWA, which had not taken over the same. Regarding lesser amount of water supply, and alternate arrangement for supply of water through bore wells was made but there were complaints relating to quality of water. As such water softener plant was to be created. Operation of bore wells and water softening plant would be handed over to the RWA and expenditure on it would be borne by the members of the RWA. Efforts will be made for descaling of seven bore wells so that water supply could be augmented in the housing complex. Regarding sewerage service, the service charges will have to be borne by the residents, collected through RWA and in turn, the same will be maintained by the concessionaire along with the garbage collection, common lighting sulking of common areas etc. DSI IDC would

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facilitate an agreement between the concessionaire and RWA. Regarding acute water supply in the housing complex, MD, DSIIDC took up the matter with CEO, DJB. In the meantime, DSIIDC initiated work of cleaning and desilting of manholes / sewer lines and repair, operation and maintenance of two water pumping stations.

With regard to query regarding the status of registration of RWA, the Revenue Department informed that the society was registered in 2012 but was not active as there were no General Body meetings etc. The complainant affirmed that General Body meetings could not be held. In view of this, the formal agreement or MOU between RWA and the concessionaire could not be done. The complainant was advised to ensure that the society is made active.

At the hearing in August, 2018, representatives of DSIIDC informed that machines were used in the residential complex for clearing the sewage system. The sewer has been cleaned. The complainant expressed satisfaction with the action taken by the department. The boundary wall in the society was also constructed but due to shortage of funds with DSIIDC, it was not able to take care of maintenance work and providing other amenities in the area. DSIIDC and the complainant, through RWA were advised to make joint efforts for taking over of the maintenance and other services by the RWA. With regard to unauthorized encroachment in housing complex DSIIDC issued notices to 66 encroachers.

At the subsequent hearings there was dispute regarding the amount to be charged by the concessionaire for providing water to the residential complex. The concessionaire contended that the DJB was charging commercial rate at the rate of Rs. 176/- per KL so it can provide water supply to the residential complex at the same rate. The complainant did not agree to the same and contended that the water should be supplied at the residential rates of DJB. The Commission directed to explore the

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feasibility of providing separate water supply line for the residential complex, for which joint survey by DJB and DSIIDC was required. Also, there was issue of nonpayment of ground rent by the flat owners.

4. **Directions of PGC**

The matter is being heard in the Commission since 2015 but the grievance could not be resolved satisfactorily. The primary issues in the grievance case are as below :

(i) Maintenance of the residential complex:

This includes sanitation, maintaining roads, proper sewage, garbage collection etc. These services were to be provided by DSIIDC till two years after the allotment. After two years, these services were to be taken over by the RWA and expenditure was to be done by the funds collected from the allottees by the RWA. RWA was registered in 2012 but was not functional / active due to want of General Body meeting etc. The complainant, who is representing the housing complex till date has not been able to revive the society to take over as RWA. This is essential as the maintenance services are to be taken over by the registered society. The DSIIDC had agreed to facilitate agreement between the registered society and the concessionaire, for taking over of the services by the concessionaire but for the want of registered society this could not be done.

The complainant had been repeatedly advised to get the society active but there has been no action. Complying with the directions of the Commission, DSIIDC, under CSR scheme took action for cleaning of sewage system, repairing the roads, cleaning the area, constructing / repair of the boundary wall etc. but due to shortage of funds DSIIDC is not in position to provide maintenance services on a regular basis. This needs proactive action on the part of residents of the complex and the

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complainant so that an active registered society is in place and an agreement is entered into between the registered society and the concessionaire, to be facilitated by the DSIIDC to provide maintenance services in the complex.

(ii) Inadequate water supply in the residential complex :

DJB is providing one bulk connection for the industrial estate, through which water is being supplied to both industrial and residential area. The DJB contends that as the project was one single entity, hence one bulk connection was to be provided and the same has been made available. Due to one single water connection the water supply by DJB is made available at commercial rate, for the industrial and also for the residential complex. Efforts to explore feasibility of providing separate water line for the residential complex (inhabited by poor / EWS) for the residential complex. The RWA has yet to take over the maintenance. Furthermore, the residents don't wish to pay commercial rates for the same, in absence of any specific reference / mention relating to this.

Also, there are issues relating to nonpayment of ground rent by the allottees, as a result there are no funds available with DSIIDC for the specific purpose / use in repair maintenance of services.

The Commission made earnest efforts to resolve the issues but due to multiplicity of issues and stands taken by respective concerned departments involving additional expenditure / loss of revenue the issues could not be resolved. No purpose shall be served in continuing hearings in this grievance case, pending now for more than 5 years. The Commission therefore, considers it expedient to refer the matter to the Chief Secretary, Govt. of NCT of Delhi so that matter could be taken up & resolved in coordination / consultation with DJB, DSIIDC or taken to a logical end.

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With these observations, the Commission decides that the matter be closed at the level of the Public Grievances Commission.

(SUDHIR YADAV)
MEMBER

No. PGC/2015/DSI IDC/56/

Dated :

Copy to :

1. The Director (F&A), Delhi Jal Board, GNCTD, Varunalaya, Phase-II, Karol Bagh, New Delhi – 110005
2. The Managing Director, DSI IDC, N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001

Copy for information to :

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