

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 25.9.1997

Date of hearing: 15th October, 2026

Complainant : Shri Vikas Malhotra

Respondent : The Commissioner,
Municipal Corporation of Delhi,
Dr. Shyama Prasad Mukherjee Civic Centre,
Delhi-110002

Through :

Shri Abhay Chaturvedi, AE (B-II) West Zone, MCD

Shri Sunny Chaudhary, Executive Engineer (B-II), WZ, MCD

Grievance No. : PGC/2028/A-II/MCD/605

1. Brief Facts of the Case

The complainant Shri Vikas Malhotra has filed a complaint against MCD and requesting the Commission for personal hearing against the inaction on the property booked by MCD, West Zone under UC NO. EE(B)-1/WZ-UC-18/537 and despite the issuance of notices (Show Cause Notice/Demolition/Sealing Notice), in violation of the Commission's order. The complainant has requested that accountability should be fixed on the concerned MCD officials and action regarding sealing/demolition on the said property should be carried out as per the rules.

2. Facts emerged during the hearing

2.1 The complainant is present.

2.2 Shri Sunny Choudhary, EE(B-II) and Shri Abahaya Chaturvedi, AE (B-II) from West Zone, MCD are present and submitted action taken report, stating the following :-

i.. In pursuant to the grievance filed before the Hon'ble Public Grievances Commission, Govt. of NCT of Delhi by the complainant Shri Vikas Malhotra for taking sealing/demolition action against P.No. S-2/225, Old Mahavir Nagar, Delhi, the Hon'ble Commission vide order passed under Para 2(B) of the PGC on 1.9.2026 , has directed that –

“MCD to ensure that this time, the concerned officers of MCD take action for demolition, which has been fixed for 14.9.2026. The Commission on the request of the MCD official present gives one more opportunity to the MCD to carry out the demolition till 14.9.2026. If they

fail again to carry out the demolition, then the Deputy Commissioner (West), the concerned Executive Engineer and Assistant Engineer shall remain personally present in the next hearing to explain that why no action has been taken on the booked property since 2018 and on papers, demolition orders have been done on 18.3.2026, 29.5.2026, 16.6.2026 and 10.8.2026".

Now the next date of hearing has been fixed for filing ATR for 15.10.2026 at 2.30 p.m.

ii.. In this context, it is submitted that this office had fixed a demolition /sealing action program under the PS Tilak Nagar to take demolition action against the property under reference for unauthorized construction. Further, as the aforesaid property has been residentially occupied, therefore, with the view to get vacated the premises from its occupants to execute sealing/demolition action, a vacation notice u/s 349 of the DMC Act was issued to the owner/occupier/builder on 3.9.2026.

iii.. Aggrieved with the aforesaid aforesaid vacation notice, Ms Sheela Devi, Owner of ground floor of the property had filed an appeal before the Hon'ble High Court of Delhi titled Sheela Devi Vs GNCT of Delhi vide vide W.P.(C) No. 13208/2026 & CM Appl. 61372/2026. wherein, the Hon'ble Court vide orders dated 09.09.2026 has held that

".....the demolition order dated 13 July, 2018 stands quashed. Consequently, the vacation notice issued under Section 349 of the Delhi Municipal Corporation Act, 1957 also stands quashed

It would be open for MCD to take appropriate action in accordance with law after issuing a fresh show-cause notice." (Copy of order dated 09.09.2026 is attached as Annexure A)

iv Accordingly, in compliance of aforesaid direction of Hon'ble High Court of Delhi, fresh show cause notice u/s 344(1) & 343 of the DMC Act was issued to the owners/occupiers of Ground Floor to Second Floor of the property on 18.09.2026 with the direction to submit reply in the matter within 15 days. Simultaneously, they were also given an opportunity to submit formal application for regularization of the property within 15 days after demolition of non-compoundable deviations alongwith requisite documents, E-Undertakings, Drawings etc. Further, an opportunity of personal hearing was also provided to the owners/occupiers to explain the facts through aforesaid notice on any working day between 2.00 p.m. to 5.00 p.m. (Copy of show cause notice dated 18.09.2026 is attached as Annexure 'B')

v. In compliance of aforesaid notice, a reply alongwith documents was received in the department on 01.10.2026 from Smt. Sheela Devi, owner of Ground Floor of the property and

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on scrutiny of the same, it has been found that the Ground Floor of the property is constructed very old and prior to the period 08.02.2007, therefore, same is protected from further punitive action under the National Capital Territory of Dehi Laws (Special Provisions) Act, therefore, action against the same has been kept in abeyance till enforcement of the said act vide Speaking Order No. D-54/EE(B)-II/WZ/2026/AE(B) dated 12.10.2026. Whereas, as regard unauthorized construction in the shape of First Floor and Second Floor, since neither any reply, nor did any document was received in the department from the owner/occupier in compliance of aforesaid show cause notice therefore, demolition order against the same has been passed vide aforesaid speaking order with the direction to the owners/occupiers to demolish the unauthorized construction at First & Second Floors of the property within a period of 15 days. Further, in terms of order passed by the Hon'ble Supreme Court of India in the matter of demolition of structure in Writ Peition (Civil) No. 295 of 2022 with Writ Petition (Criminal) No. 162 of 2022 & Writ Petition (Civil) NO. 328 of 2022, the owners/occupiers have further provided an opportunity to regularize their property in terms of prevailing norms of regularization policy. Now, further action against the property will be taken as per law. (Copy of Speaking Order dated 12.10.2026 is attached as Annexure C').

3. Directions of PGC

3.1 The MCD officials assured the Commission that they are pursuing the case.

3.2 An ATR shall be filed in the next hearing scheduled on 14th Decemher, 2026 at 2.30 p.m.

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(PRATYUSH KANTH)
MEMBER(PGC)

Dated : 27/10/26

F.No. PGC/2026/A-II/MCD/605/ 11496-499

1. The Commissioner (MCD), Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, New Delhi-110002
2. The Deputy Commissioner (West Zone), Deputy Commissioner Office, West Zone, Municipal Corporation of Delhi, Shivaji College Road, Rajouri Garden, New Delhi - 110027 (Near Shivaji College and West Gate Mall)
3. The Technical Officer, PGC with the direction to upload the same on the website of PGC
4. Shri Vikas Malhotra S/o Shri Om Prakash, H.NO. S-2/226, Old Mahavir Nagar, Tilak Nagar, New Delhi-110018 (Mob. NO. 9868404530 and email : vikas.s100010010@gmail.com)