



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.7093/1081/2016

Dated: 20.02.2017

In the matter of:

Shri Vinod Kumar
S/o Shri Sube Singh, 790
H. No. 34, Ward No. 01,
Line Par, Gali No. 4,
Vikas Nagar, Bahadurgarh,
Haryana – 124 507

..... Complainant

Versus

Delhi Development authority,
(Through the Vice Chairman), 791
Vikas Sadan, I.N.A.,
New Delhi.
e-mail <vcdda@dda.org.in>

..... Respondent

Date of hearing : 07.02.2017

Present:

1. Shri Vinod Kumar, Complainant.
2. Ms. Renu Bhatnagar, Asstt. Director and Ms. Renu Gautam Sharma, Advocate on behalf of the Respondent.

O R D E R

The above named complaint, a person with 65% Locomotor Disability filed a complaint dated 28.10.2016 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to the 'Act' regarding non issue of demand letter of DDA Flat No. 50 (Janta), Nasirpur (Dwarka).

2. The complainant has submitted that he was allotted Flat No. 50 (Janta), Nasirpur (Dwarka) against PwD category vide application No. 1195502 of DDA Housing Scheme, 2014, Draw No. 386 dated 25.11.2014. the necessary information and documents desired by DDA have been submitted on 28.01.2015 at that time it was informed to contact after 4 months to the concerned section for demand letter. But till date DDA has not issued any letter to him or not given username password nor any information on phone, e-mail etc.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 02.11.2016 followed by reminder dated 07.12.2016.

4. As no reply was received from the respondent, a hearing was scheduled on 07.02.2017.

5. During the hearing on 07.02.2017, the complainant reiterated his written submission and submitted that the documents desired by DDA have been submitted on 28.01.2015 on the basis of

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public information given on DDA Notice Board and the DDA has not issued any letter to him or not given username, password nor any information by speed post, registered post, phone, Email. It is known that all information given by the DDA to other allottees by speed post/other means. In his case such has not been done, even no reply of his request till date received. He prayed that necessary action be taken for issue of the demand letter of the above flat.

6. The representative of the respondent submitted that complainant had applied under DDA's Housing Scheme – 2014 under PD (Persons with Disability) category for allotment of Janta category flat. Through computerized draw of lots held on 25.11.2014, he was declared successful and Flat No. 50, Ground Floor, Nasipur was allotted to him. On his given address i.e. H. No. 34, , Ward No. 1, Line Par, Vinesh Nagar, Bahadurgarh-124507, Shri Vinod Kumar was intimated accordingly vide letter No.1195502/DDA Housing Scheme-2014. Through this letter, Log in ID No.DDAHS/26494, Password – grhg8wh was also communicated enabling the successful allottee to check the allotment details and the costing details and also download the demand-cum-allotment letter. Such intimation letters were sent to all the successful allottees of Housing Scheme-2014. In addition, demand-cum-allotment letters were also issued to all allottees. DDA organized a Special Camp where the successful allottees were required to submit the required documents, as per provisions of the Scheme Brochure and as were intimated through the Intimation letter. The complainant visited the camp on 28.01.2015 and submitted the documents. It means that he was very much aware about the allotment and submission of required documents. It was also expected that the allottee should have downloaded the demand-cum-allotment letter through DDA's using given User ID and Password.

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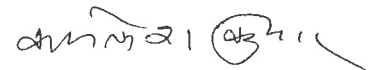
7. He further submitted that after submitting the documents in Special Camp, Shri Vinod Kumar represented/visited DDA only on 8.2.2016 complaining about non-receipt of demand-cum-allotment letter. His request was examined and it was revealed that the demand-cum-allotment letter was generated on 12.05.2015 and uploaded on DDA's Website. Since the allotment of flat was on Hire Purchase basis, the allottees are given 90 days to make the payment of the demanded amount. Hence, the allotment stood automatically cancelled on 10.09.2015 - the last date of payment in the schedule of payment. It is also added here that DDA is in the process of launching new Housing Scheme where about 13000 flats of different categories and in different localities will be on offer. The complainant can be advised to apply afresh under the new Housing Scheme and try his luck. He may be advised to apply for refund. The request for refund will be examined and the admissible money will be refunded, as per provisions of the brochure of the Scheme.

8. The respondent in response to the query of the Court submitted that the quarter in question has not been allotted to any one, however, the same may be added in the list of new scheme to be issued by the DDA shortly for allotment of flats.

9. Section 43 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides that the appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for ; (a) house, (b) setting up business, (c) setting up of special recreation centers; (d) establishment of special schools; (e) establishment of research centers and (f) establishment of factories by entrepreneurs with disabilities.

10.. After hearing both the parties and perusal of the available record, the Court is of the view that though as per the representative, the allotment letter was sent by registered post but the representative of the respondent failed to submit the evidence to the effect that the allotment letter sent to complainant was received by him. The flat was allotted to a person with disability under the PH quota and so far has not been allowed to other person. The respondent is advised to send fresh allotment-cum-demand letter to the complainant within 30 days of receipt of this order giving reasonable time for depositing the amount as per the schedule.

11. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities