



**न्यायालय मुख्य आयुक्त निःशक्तजन**  
**Court of Chief Commissioner for Persons with Disabilities**  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
**Ministry of Social Justice & Empowerment**  
निःशक्तता कार्य विभाग / Department of Disability Affairs

**Case No.70/1081/10-11**

**Dated:- 14-03-2014**

**In the matter of:**

Shri Nasiruddin  
R/o 5/288, Nai Ki Mandi,  
Agra-10, Uttar Pradesh.

..... Complainant

Versus

Delhi Development Authority,  
Through the Chairman,  
Vikas Sadan, I.N.A.,  
New Delhi-110023.

..... Respondent No.1

State Bank of Patiala,  
(Through Chief Manager)  
Nehru Nagar,  
Agra (Uttar Pradesh)

.... Respondent No.2

Central Bank of India,  
(Through Chief Manager),  
Vikas Sadan, I.N.A.,  
New Delhi-110023.

..... Respondent No. 3

**Date of hearing : 28.06.2012, 29.10.2012, 05.12.2012,03.04.2013,06.11.2013 & 20.02.214**

**Present :**

**28.06.2012**

1. Ms. Gulshan Jahan, Niece of Shri Nasiruddin for complainant.
2. Shri S.K. Grover, Deputy Director (Co-ordination), Shri Lalit Mohan, Assistant Director (Coordination), Shri M.C. Joshi, Assistant Director (MIG Housing), and Shri S.K. Sharma, Dealing Assistant (MIG Housing) for respondent.

**29.10.2012**

1. Shri Nasiruddin, complainant.
2. Shri D.K. Gupta, Director (Housing) and Shri S.K. Sharma, UDC, DDA on behalf of Respondent.

**05.12.2012**

1. Ms. Gulshan Jahan, Niece of Shri Nasiruddin for complainant.
2. Shri S.K. Grover, Deputy Director (Co-ordination), Shri Lalit Mohan, Assistant Director (Coordination), Shri M.C. Joshi, Assistant Director (MIG Housing) and Shri S.K. Sharma, Dealing Assistant (MIG Housing) for respondent.

**03.04.2013**

1. Shri Nasiruddin, complainant
2. Shri Devendra Kataria, Dy. FA(H)-I, Shri Subhash Gandhi, A.O.(H), Ms. Neeru Bhasin, Dy.Dir.(MIG), & Sh. Surender Sharma on behalf of Respondent No. 1

....2/-

3. Shri Kashmiri Lal, Dy. Manager, SBI,INA and Ms. Jaya Tomar, Advocate on behalf of Respondent No. 2
4. None on behalf of Respondent No. 3.

06.11.2013

1. Shri Nasiruddin, complainant
2. Shri Devendra Kataria, Dy. FA(H)-I, Shri Subhash Gandhi, A.O.(H), Ms. Neeru Bhasin, Dy.Dir.(MIG), & Sh.Surender Sharma on behalf of Respondent No. 1
3. Shri Kashmiri Lal, Dy. Manager, SBI,INA and Ms. Jaya Tomar, Advocate on behalf of Respondent SBI.
4. None on behalf of Respondent No. 3.

20.02.014

1. Shri Nasiruddin, complainant
2. Shri Dharam Veer, AD/SFS(H), on behalf of Respondent No. 1
3. Shri V.K. Tomar, on behalf of Respondent No.3

### O R D E R

The above named complainant, a person with 50% locomotor disability filed a complaint dated 10.03.2011 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding long pending allotment of MIG Flat Application No.0019169 dated 26.07.1995 by DDA.

2. The complainant submitted that he had applied for MIG Flat vide application No.0019169 dated 26.07.1995 and deposited Rs.50,000/- vide Bank Draft No.326319 dated 26.07.1995. DDA did not reply to the reminders. He was not allotted the flat and no information was received by him regarding the process/allotment as to when his turn would come. He requested to take appropriate steps for allotment of MIG flat at the earliest.

3. The matter was taken up under Section 59 of the Act with the respondent vide letter dated 21.06.2011 followed by reminders dated 21.06.2011 and 09.01.2012.

4. Director(H)-I, DDA, New Delhi vide letter No.F.105(25)95/OTA/Pt.158 dated 24.01.2012 intimated that Shri Nasiruddin applied under SFS in the year 1995 vide application No.0019169 and deposited Rs.50,000/-. He again applied under "Out of Turn" allotment by depositing Rs.500/- as processing fee which is non-refundable. Regarding his application No.0019169, DDA submitted that as per the report obtained from Accounts Branch, his name did not exist in the list of successful applicants. His name also did not exist in the System Department of DDA. As the case is very old, record was not readily traceable. However, efforts were being made to trace out of the status of the applications of Shri Nasiruddin and the status would be intimated shortly.

5. Copy of the respondent's reply dated 24.01.2012 was forwarded to the complainant for comments/rejoinder vide this Court's letter dated 22.02.2012.

6. The complainant vide his letters dated 13.03.2012 and 16.05.2012, inter alia, submitted that the contents of letter dated 24.01.2012 of the respondent were untrue and false. Despite his repeated requests, he had received neither any reply nor refund of Rs.50,000/-.

7. Upon considering the reply dated 24.01.2012 of the respondent and the comments/rejoinder dated 13.03.2012 and 16.05.2012, the case was scheduled for hearing on 27.06.2012 which was rescheduled on 28.06.2012.

8. During the hearing, the representatives of the respondent submitted that there is no record in Delhi Development Authority (DDA) which proves that a sum of Rs.50,000/- actually got deposited in DDA's account. They also pointed out that the application form No.0019169, a photocopy of which is available in DDA's file, indicates that acknowledgement portion of the application form is intact with the application and has not been signed, which indicates that the Bank Draft was not deposited by the complainant in DDA. Therefore, they need a copy of the bank challan through which the Bank Draft was deposited to enable them to verify from their accounts branch who have reported that they do not have any record of such payment. It was observed that on 26.07.1995, a sum of Rs.50,000/- was deposited by the complainant for issuing a Bank Draft in State Bank of Patiala, Nehru Nagar, Agra. The Bank Draft No. 326319 dated 26.07.1995 seems to have been issued by State Bank of Patiala which has a stamp of State Bank of Patiala, New Delhi and received by State Bank of India.

9. Ms. Gulshan Jahan, who represented the complainant, submitted that the photo copy of the application no.0019169 is duly signed by the authorized bank official of State Bank of India on 26.07.1995. On the same page, the complainant had photocopied a pay in slip dated 26.07.1995 for making payment of Rs.50,000/- for issuing him a Bank Draft and also a photo copy of the Bank Draft for Rs.50,000/- dated 26.07.1995.

10. Since there was no record to prove that the Bank Draft No.326319 dated 26.07.1995 was deposited by the complainant and credited in the account of DDA, the complainant was directed to submit a copy of challan through which the bank draft was deposited in DDA. He was also directed to submit details of the State Bank of Patiala branch from where the Bank Draft was made and the details of the bank/DDA office where the Bank Draft of Rs.50,000/- was deposited along with the proof thereof.

11. In response, the complainant vide letter dated 06.08.2013 submitted that in 1995 the counterfoil was inbuilt in the form itself through which the Demand Draft for Rs.50,000/- was deposited by him in DDA. The original receipt was with him duly acknowledged by SBI, Vikas Sadan, INA, New Delhi. He also submitted that DDA had confirmed vide its letter dated 24.01.2012 that the complainant had deposited Rs.50,000/- with DDA. A hearing was held on 29.10.2012.

12. During the hearing on 29.10.2012, while reiterating his submission, the complainant, quoting a letter from the Deputy Director (MIG Housing) No.F105(25)95/OTA/Pt/1095 dated 02.09.2011 addressed to the Deputy Director (SFS) Housing, DDA, Vikas Sadan, New Delhi stated that the respondent DDA by its letter has in fact admitted to having received Rs.50,000/-. The substantive part of the said letter is reproduced below:-

*“Sub: Regarding complaint of Shri Nasiruddin*

*Ref.: Complaint No.CIC/DS/C/2011/312 dated 11.5.2011*

*This is with reference to the above cited subject. It is to intimate that Shri Nasiruddin has attended this office and submitted some documents which reveals that Shri Nasiruddin has applied in SFS category in the year 1995 vide application No.19169 by depositing Rs.50,000/- vide Bank Draft No.326319 dated 26.7.95. Further as per the letter dated 21.8.95 of Superintendent Housing (OTA), Shri Nasiruddin has been requested to deposit Rs.500/- for considering his case under LIG for allotment under OTA. It has also been incorporated in this letter that the processing fee of Rs.500/- is non-refundable. The status of the registration may please be intimated to the applicant directly under intimation to Under Secretary & Deputy Registrar, Central Information Commission.*

*Encl: Photocopy of the documents.*

*Dy. Director (MIG) Housing”*

13. Refuting the above assertion by the Complainant and reiterating its earlier submission, the respondent DDA stated that the aforesaid letter quoted by the complainant contains only a narrative of the documents submitted by the complainant himself.

14. The complainant had, however, not submitted any fresh proof of depositing Rs.50,000/-, though vide his letter dated 05.07.2012 he submitted copies of some documents (i.e. Bank Receipt, Bank Draft, DDA Deposit Receipt, DDA letter dated 01.08.2011 and DDA letter dated 02.09.2011), a copy of which was handed over to the representative of the respondent during the hearing. DDA was directed to check and verify its records and submit copies of relevant records if any showing receipt of the sum of Rs.50,000/- by DDA from the complainant. The case was posted for hearing on 05.12.2012.

15. On 05.12.2012, the representatives of the DDA submitted that they have checked and verified from the record whether the amount of Rs.50,000/- was deposited by the complainant in DDA but the same was not traceable. They also submitted a copy of the extract of notes dated 03.12.2012 of F.No.F.1(Misc.-61)/11/RTI/SFS/13/M as per which various branches of DDA could not trace the amount, on the other hand, the complainant in his written submissions dated 29.12.2012 reiterated that DDA vide letter F.105(25)95/OTA/Pt.1095 dated 02.09.11 had admitted to have received Rs.50,000/-. In the light of this, General Manager (Network-1), State Bank of India, Parliament Street, New Delhi-110001 and the Chief Manager, State Bank of Patiala, Nehru Nagar, Agra were impleaded as respondents No.2 and 3 respectively to confirm whether the payment of Rs.50,000/- was received by the State Bank of India and debited by State Bank of Patiala as claimed by the complainant.

16. The Chief Manager, State Bank of Patiala, Nehru Nagar, Agra vide letter No.169 dated 11.01.2013 informed that the paying Branch is their Service Branch Code No.50467, New Delhi. A copy of the said letter was sent to the Chief Manager, State Bank of Patiala, Service Branch, Janpath, New Delhi to clarify whether the payment of Rs.50,000/- was received by the State Bank of India and debited by State Bank of Patiala as claimed by the complainant. Another hearing was held on 03.04.2013.

17. On 03.04.2013, the representatives of the DDA reiterated that they have not been able to trace the record of Rs.50,000/- stated to have been deposited by the complainant.

18. The representative of the State Bank of India, the Respondent No.2 submitted that 467 is not the Code number of the State Bank of India Branch. Since in the Acknowledgement Form No.0019169 dated 26.07.1995, it is mentioned that Bank draft No.326319 dated 26.07.1995 was deposited by the complainant in State Bank of India Branch Code No.'467', they need to verify the signature and stamp of the Chief Manager, State Bank of India, Vikas Sadan, INA, New Delhi who signed the Acknowledgement on dated 27.07.1995 and then they would submit a report. They would also verify from their Bank record as to whether the State Bank of Patiala, New Delhi Branch Code No.467 had credited Rs.50,000/- to State Bank of India, Vikas Sadan Branch, INA, New Delhi or not. They further submitted that as per RBI's guidelines and Bank's instructions, more than 10 years' record is to be destroyed. However, State Bank of India, Vikas Sadan, INA Branch gives the Statement of Account to DDA, Vikas Sadan on daily basis for the amount being credited in their account. Therefore, DDA should have verified the deposited amount of the complainant immediately after the closing of the Housing Scheme. In the light of the this, State Bank of India, Vikas Sadan, INA was directed to submit a report and confirm whether the Draft No.326319 dated 26.07.1995 issued by State Bank of Patiala, Nehru Nagar Branch, Agra for Rs.50,000/- was received by State Bank of India Branch, Vikas Sadan, INA. The State Bank of India, Vikas Sadan, INA was also asked to submit as to what was done with the said Account Payee Demand Draft after the same was received on 27.07.1995.

19. The Branch Manager, State Bank of India, INA, Vikas Sadan branch vide letter No.BM/2013-14/7 dated 23.04.2013, inter alia, informed that as per Section 131 of Negotiable Instrument Act, 1881, their Bank/Branch collected the proceeds (i.e. Rs.50,000/-) for the beneficiary (i.e. Delhi Development Authority, Delhi) and credited the same to respective account in due course at the material time.

20. During the hearing on 06.11.2013, while reiterating his submissions, the complainant stated that the DDA has not furnished information as to whether his name was included in the draw of lot for the purpose of Out of Turn Allotment (OTA) for which he had applied and deposited a sum of Rs. 500/-. He further stressed that the case was dragging on for a long time and that an early decision be made in the matter.

21. Responding to the record of proceedings dated 30.09.2013, DDA, inter alia, submitted, "Shri Nasiruddin was the registrant under 8<sup>th</sup> SFS Scheme vide his registration No.19169 and he deposited Rs.50,000/- through DD No.326319 dated 26.07.1995. His name was put in the draw which was held on 10.10.1995 but he remained unsuccessful. Abstract of list showing the name of Shri Nasiruddin is kept opposite. Further, it is intimated that as per available record, the registration money of Rs.50,000/- which was deposited by Mr. Nasiruddin through DD No.326319 dated 26.07.1995 was refunded to him vide Cheque No.31350 dated 04.11.1995 drawn on Central Bank of India, Vikas Sadan, New Delhi. Photocopy of Cash Book showing the above Cheque issued is also kept opposite.

It has also been noticed from the available reconciliation register of November, 1995 that the said Cheque was encashed on 08.12.1995. Photo copy of reconciliation register showing the encashment date is also kept opposite.”

22. The Ld. Counsel for the respondent No.2, namely, the State Bank of India contended that they should now be discharged from the case as neither the DDA nor the complainant has disputed their statement that the proceeds of Rs.50,000/- was duly credited to the account of DDA. Central Bank of India, Vikas Sadan was impleaded and asked to clarify as to whether the sum of Rs.50,000/- was deposited in the complainant's account with the State Bank of Patiala, if so, the details thereof. DDA was also directed to clarify, under intimation to the complainant, as to whether the complainant's name was included in the draw of lot meant for out of turn allotment. State Bank of India was discharged.

23. Chief Manager, Central Bank of India, Vikas Sadan, New Delhi vide letter dated 12.11.2013 submitted that DDA has already confirmed/conveyed to this Court that for refund amount cheque No.31350 dated 04.11.1995 favouring Mr. Nasiruddin, drawn on Central Bank of India, Vikas Sadan, New Delhi was encashed on 08.12.1995. The entry/record relates to year 1995 and such old record is not maintained for such a long time at their end and they be discharged them from the case.

24. After considering the Central Bank of India's letter dated 11.12.2013 and as no reply was filed by the DDA, the case was scheduled for hearing on 20.02.2014.

25. The representative of the Central Bank during the hearing reiterated the written submissions. The representative of DDA also reiterated the written submissions of Deputy FA(H)-I and the AO/Cash(Housing) dated 06.11.2013 vide which the copies of Cash Book dated 04.11.1995 and Reconciliation Register for the month of November, 1995 indicating that an amount of Rs.50,000/- was received by Shri Nasiruddin. The print out also indicates the said amount and the details of Shri Nasiruddin, his address in Agra and the Bank (State Bank of Patiala) to which the said amount of Rs.50,000/- was credited. The representative of DDA also submitted that the record pertaining to the draw of lots is not traceable as it relates to a period way back to 1995.

26. The complainant, on the other hand, denied having received the cheque and the amount credited to his account in State Bank of Patiala, Agra. Since DDA has not submitted any documentary evidence to prove that he was included in the draw of lots and since the Central Bank of India has also not confirmed that the said amount was indeed credited to the account of the complainant, he suspects fraud by the concerned persons in DDA. He alleged that his name was not included in the draw of lots and also Rs.50,000/- was fraudulently shown to have been returned to him. He made the said allegation relying on the fact that while DDA has produced extracts of the Cash Book and the Reconciliation Register for the month of November, 1995, they have not submitted the copies of the document relating to draw of lots.

27. Responding to a query, the complainant also claimed that he can produce his pass book issued to him by State Bank of Patiala, Agra for the relevant period i.e. 1995 which would show that the amount of Rs.50,000/- was not credited to his account.

28. Based on the conflicting claims of DDA and the complainant and the inability of the Central Bank to confirm encashment of the relevant cheque by the complainant on the delivery of the claim being too old, it cannot be conclusively ascertained that the said amount of Rs.50,000/- was indeed credited to the amount of Shri Nasiruddin or whether he withdrew the said amount. Production of the copy of complainant's pass book for the relevant period would also not help as it cannot be said on the basis of details of a single account in his name that he may not have had any other account. In the peculiar circumstances of this case, the possibility of some one else getting the same amount credited to a forged account in the name of the complainant also cannot be ruled out.

29. In the peculiar facts and circumstances of this case, as stated above, and the fact that the complainant has agitated the matter in this Court a little too late, since the initial cause of action arose way back in 1995, it would be in the fitness of things for this Court to observe as follows:-

- (i) Keeping in mind the intricacies of the entire complaint as also the fact that this Court does not have the mechanism to investigate the cases of fraud etc., it is not proper to keep on dragging the matter any longer.
- (ii) Since the complainant suspects/apprehends some kind of fraud in the matter, it would be expedient for DDA to hand over the matter to its Vigilance Department with a view to getting the matter thoroughly investigated and ensuring a fair deal to the complainant as expeditiously as may be.

30. The matter stands disposed off with the above observations.

Sd/-

( **P.K. Pincha** )  
Chief Commissioner  
for persons with Disabilities