



HARYANA RIGHT TO SERVICE COMMISSION
S.C.O. No. 38 & 39 (2nd FLOOR), SECTOR 17-A, CHANDIGARH-160017
E-mail: rtsc-hry@gov.in Telephone: 0172-2711050

HRTSC/File no.103/SM-172/4972

Dated: 15.11.2022

To

Sh.Amit Kumar, HCS
Estate Officer, HSVP, Faridabad, Haryana.

Subject:- Final order regarding Suo-moto notice no. HRTSC/ File no.103/SM-172/1713 dated 29.04.2022.

I am directed to forward herewith a copy of the order dated 14.11.2022 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.

BY THE ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Encl: as above.



(Sube Khan)

Under Secretary-cum-Registrar
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No. HRTSC/File no.103/SM-172/4973

Dated: 15.11.2022

A copy of the above is forwarded to the following:

1. The CA, HSVP, Haryana, Panchkula for information and compliance.
2. Sh. Dhanvir Goyal, Advocate (Complainant) for information.

(Sube Khan)

Under Secretary-cum-Registrar
For Haryana Right to Service Commission
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Final Orders

In respect of Suo Moto notice no. HRTSC/File No. 103/SM-172/1713
dated 29.04.2022 issued to Sh Amit Kumar, HCS, Estate Officer,
HSVP, Faridabad

1. This is a typical case that highlights not only the colossal delay in undertaking requisite actions pertaining to the delivery of essential services to the complainant but also reflects repeated negligence of the Respondent, Sh. Amit Kumar, HCS, Estate Officer, Haryana Shehri Vikas Pradhikaran, Faridabad which will get clearly established with the chronological mention of the facts in the following paragraphs.

3. Sh. Dhanvir Goyal, Advocate R/o #965, Sector-7C, Faridabad had submitted a complaint vide e-mail dated 17.02.2022 stating that he had purchased Plot no 167/7A, Faridabad in the name of his wife Smt. Sunita Goyal and the same was re-allotted vide allotment letter no 20001/B0001/UE001/REALL/0000002235 dated 27.10.2021 by HSVP but the PPM-data had not been uploaded yet, whereas the same should have been done automatically and immediately after issuance of the Re-allotment letter. In this regard, he had made multiple requests for more than three months but no action was initiated. Taking cognizance of the issue as it is a notified service under Haryana Right to Service Act, 2014 at Sr. No.131 namely, "Reallotment letter", for which the notified period is 4 days, a letter no. HRTSC/Comp-55/HSVP/2022/0699 dated 24.02.2022 followed by reminder dated 29.03.2022 was issued to the Estate Officer, HSVP, Faridabad, Haryana to take cognizance and furnish action taken/ status report to the Commission by 13.04.2022 However, the Commission did not receive any reply from the Respondent in this regard. Thus, a suo-moto notice dated 29.04.2022 was issued to Sh. Amit Kumar, HCS, Estate Officer, HSVP, Faridabad, Haryana for the inaction on his part and to ascertain the reasons for delay in delivery of notified service beyond the prescribed timelines and further to decide whether any action for imposition of penalty/recommendation of departmental action is called for.

4. He was directed to submit his reply by 16.05.2022 and appear before the Commission at 10:30 am on 23.05.2022. No reply had been received from the Respondent, Sh. Amit Kumar, HCS, Estate Officer, HSVP, Faridabad in this regard. He appeared before the Commission at 10:30 am on 23.05.2022 and requested the Commission to condone the delay in submitting the reply due to certain professional engagements and stated that the reply will be sent by him at the earliest. The Commission granted him the opportunity to submit the reply by the end of day on 23.05.2022. Accordingly, a reply was received vide memo no. 4559 dated 23.05.2022 wherein, it was submitted that the applicant had applied for Re-allotment letter in the name of Set Sunita Goyal W/o Sh. Dhanvir Goyal and the same was issued by his office through the PPM and the name of the owner stood automatically updated. Further, he also stated that the grievance regarding updating measurement in the PPM system has been taken up with the competent authority. Further, subsequent to the reply submitted by the Respondent, the complainant Sh. Dhanvir Goyal was directed to verify whether the grievance stood resolved and he submitted his response vide email dated 27.05.2022 stating that the issue still remained unresolved. Following this, the Commission observed the following in the Interim Orders dated 07.06.2022:

“That although the re-allotment letter has been provided to the complainant, it has no real utility unless the data regarding the re-allotment is updated in all requisite software systems, including but not limited to the PPM and that the incomplete updation of data has caused grave hardships to the citizen in the manner that he is restricted from applying for various other notified services including the building plan approval. The Commission records its displeasure for Sh. Amit Kumar, HCS, Estate Officer, HSVP, Faridabad who firstly failed to submit a reply in the matter and when such reply was submitted, the same was provided without thorough investigation of the grievance. He is also directed to take corrective measures to update the backend data in the requisite portals and software so as to enable the complainant to further apply for sanction of building plan and submit an action taken report in this regard by 20.06.2022 as the complainant wanted to apply for approval of Building Plans but the application software of HSVP is not accepting his application as the details are not updated. It may be noted that it is also a notified service under Haryana Right to Service Act, 2014 at Sr. No. 21 namely, Fresh Building Plan (Residential), for which notified period is 3 days. By not getting the details in this software updated, the Respondent is causing delay and if the matter is not sorted out by

20.06.2022, the Commission will be constrained to take action for this inaction.”

5. Following this, the Respondent vide memo no. 5222 dated 20.06.2022 submitted that the date was updated successfully in the PPM and further, as per email dated 23.05.2022 received from helpdesk, the BPMS data was also updated. However, the complainant submitted vide emails dated 30.06.2022, 06.07.2022 07.07.2022 and 08.07.2022 that he was still unable to submit his application for sanction of building plan from the designated portal. The matter was analyzed in detail by the Commission and the following was observed in the Interim Orders dated 15.07.2022:

“That the data in the PPM is inconsistent with the actual plot details including the number of the plot. The plot number as per the allotment letter and HSVP record is 167 in Sector-7 but actually it is a corner plot on the ground and has been designated as 167P in the BPMS portal. When the allottee applies for approval of building plan with plot number as 167, the software oabp.hsvphry.org.in does not pick up plot no. 167 and picks up only 167P. However, in the PPM data, this plot is designated as plot no. 167 and therefore, every time the allottee applies for approval of the building plan, a message crops in “plot does not exist in PPM”. This inconsistency has caused grave hardships to the allottee in the manner that he is restricted from applying for various other notified services including the building plan approval. The Commission, therefore, hereby directs the Respondent Sh. Amit Kumar, HCS, Estate Officer, HSVP, Faridabad to get these inconsistencies in the software regarding the complainant’s plot rectified and submit an action taken report by 30.07.2022. CA, HSVP is also directed to look into such anomalies where because of the software issues, the delivery of notified services to the applicants are being badly delayed. He is also directed to take necessary action on the reference of EO, HSVP, Faridabad in this case within 3 days of receipt so as to provide notified service to the applicant which has already been badly delayed and also enable EO, HSVP, Faridabad to send the required report to the Commission.”

6. Accordingly, a response vide letter no. 6577 dated 20.07.2022 was received from the Respondent with the intimation that based on the response from IT Cell, HSVP, Panchkula, the status of the Plot 167 was updated as 167 “P” in the PPM. However, the Commission was again notified by the complainant that the entire issue wasn’t resolved as he was still not able to apply for the building plan. Accordingly, a letter with memo no. 3385 dated



05.08.2022 was sent to the IT Cell, HSVP from the Commission with a direction to take cognizance of the matter and submit a report fixing responsibility for the same. Accordingly, a response vide letter no. 139934 dated 17.08.2022 was received from the Chief IT Officer, HSVP, Panchkula wherein he submitted that as per the recommendations of the Respondent, EO, HSVP, Faridabad received on 20.07.2022, the updation was completed on the same day. Regarding the building plan, it was intimated that due to the presence of previous Building Plan Issuance and Partial OC Issue Dates in the system, the OAPB Portal couldn't accept another Fresh Building Plan and that the complainant's architect had been informed to apply for a Revised Building Plan instead. Meanwhile, another rejoinder vide email dated 22.08.2022 was received from the complainant regarding non-issuance of his updated re-allotment letter which was forwarded to the Respondent for cognizance vide Commission letter dated 31.08.2022. Accordingly, another response vide letter no. 7973-74 dated 10.09.2022 was received from the Respondent wherein he submitted that the corrected copy of Re-allotment letter has been sent to the complainant on 09.09.2022. Regarding the details of action taken so far on the case, it was also clarified that length and breadth in the possession were updated in the PPM on 23.05.2022 which was followed by the Respondent seeking reports from the SDE(S) Faridabad dated 29.06.2022 and from DTP Faridabad dated 30.06.2022 vide which it was confirmed that the status of the plot 167 is "P" as per approved zoning of Sec 7, Faridabad, bearing drawing number 1827/96 dated 01.10.1996. It was also submitted that a letter was sent to HQ from the Office of the respondent vide Memo No. 5883 dated 05.07.2022 which was updated on same day and regarding which the Commission was informed on 20.07.2022. However, the Commission observed through the copy of PPM issue tracker submitted along with the response of the Chief IT Officer, HSVP that the letter with Memo No. 5883 dated 05.07.2022 was actually escalated to the HQ through the PPM system only on 20.07.2022 and that the same was approved by the IT Cell, HQ on the same day.

7. Meanwhile, two more rejoinders submitted by the complainant vide emails dated 06.09.2022 and 12.09.2022 were again forwarded to the Respondent for cognizance vide Commission letter no 3984 dated 16.09.2022 wherein it was submitted that the application for revised building plan made after the clarification from IT Cell, HSVP, Panchkula dated 17.08.2022 was also pending beyond its RTS time limit. After that, a one liner reply was received from the Respondent vide letter no 8631-33 dated 28.09.2022 wherein it was stated that revised building plan dated 07.09.2022 was approved by the SDE(S) on 12.09.2022. Observing a

mismatch between the details of the concerned application in the submissions of the complainant and the Respondent, an opportunity for a hearing before the Commission was accorded to both the parties on 10.10.2022 at 10:30 a.m, so as to submit their clarification in reference to the delay in the matter.

8. Accordingly, the hearing was attended by the complainant Sh. Dhanvir Goyal and the Respondent, Estate Officer, HSVP, Faridabad on the fixed date & time. Regarding the details of the revised building plan application, it was clarified by the Respondent that the application dated 19.08.2022 was pending due to multiple objections made in between by the SDE(S) & after the corrected submission by the complainant's architect on 07.09.2022, the same was approved on 12.09.2022. Moreover, it was also submitted by the complainant that a demand of Rs. 41,805 has been created as preferential charges regarding the PPM updation of his plot, which was already accounted for in the initial cost of the plot, and hence shouldn't be charged from him. During the hearing, the Commission advised the complainant to submit all the concerned documents to both the Respondent and the Commission in the matter and further directed the Respondent to recheck the details regarding the financial demand created and intimate the Commission of any decision in that regard. Following the hearing, the documents containing the details of preferential amount of 10% being already charged in the cost along with the copy of allotment letter & conveyance deed issued to the two previous allottees were submitted by the complainant vide email dated 12.10.2022. However, no report of the Respondent regarding the same has been received in the Commission till date.

9. The Commission has considered all the facts and circumstances of the case and has observed multiple instances of delinquency on the part of the Respondent, firstly, through non submission of replies and then submission of incomplete information time & again to both the complainant and the Commission and secondly, through the negligence during the course of PPM correction in the matter, thereby leading to considerable delay in the delivery of notified services to the complainant, namely Re-allotment letter and approval of Building Plan. Although the Commission is satisfied with the action taken in reference to the Revised Building Plan application dated 19.08.2022 after submission of the clarifications of the Respondent during the hearing, the Commission expresses extreme displeasure to the Respondent in reference to the action taken by his office regarding updation of the details in PPM and the Re-allotment letter, which has been evident



through the gross negligence of the Respondent while submitting incomplete details in all his responses in the matter, leading to a string of back-and-forth communications in the matter and further delay in the final delivery of a notified service to the complainant. After perusal of the copies of the allotment letter dated 05.06.1965 issued to the previous allottee Sh. Charan Dass and the conveyance deed dated 14.11.1996 issued to another allottee Smt. Vandana Gupta, the Commission observed that the Plot 167 was already mentioned as a preferential plot "P" in the manual records of allotment letter dating back to 1965 and the extra 10% preferential cost was also accounted for in the same. However, the site name was incorrectly mentioned as 167, without the "P" status in the records of conveyance deed issued to the second allottee Smt Vandana Gupta in 1996. Moreover, the Commission also noted that while forwarding the PPM updation request to HQ, the Respondent had himself submitted in his comments vide his letter no 5883 dated 05.07.2022 that there was "no financial implication" regarding the PPM updation from 167 to 167 P in the concerned case. Hence, the Commission has come to the conclusion that the recent additional demand in lieu of the preferential cost demanded from the complainant is arbitrary and is merely another avenue for continued harassment of the complainant which is not acceptable. The Commission further notes that it is unfortunate to note that a process as simple as PPM updation took over 7 months for complete resolution in the case of the complainant post the Commission's intervention dated 24.02.2022, since the issue regarding P status was not taken care of by the Respondent's office along with the first instance of updation of measurement details conveyed vide his letter no 4559 dated 23.05.2022. As evident through the preceding paragraphs, all the anomalies regarding P status in the PPM & issues regarding OABP portal were also resolved only after repeated directions from the Commission to the Respondent. In this case, being at the helm of affairs of the Estate Office, HSVP, Faridabad, it is the responsibility of the Respondent to ensure that due diligence is conducted regarding every grievance received in his office related to notified services and that all technical issues pending on the part of the department are resolved in a timely manner, either at his own level or through timely escalation to the HQ. Even through the letter of the Chief IT Officer, Panchkula dated 17.08.2022 and a copy of the PPM issue tracker, the Commission observed that the letter dated 05.07.2022 as informed to the Commission by the Respondent, was actually sent to the HQ on 20.07.2022 with a delay of another 15 days. His action of demanding 10% extra cost for preferential plot when same had already been paid at the time of initial allotment is uncalled for and it shows that he did not check the facts himself and sent wrong information to the Commission. Thus, finding

the Respondent responsible for the undue delay in the delivery of a notified service to the complainant and exercising the powers vested with the Commission under Section 17(1)(h), the Commission, hereby, imposes a penalty of Rs. 10,000/- on the Respondent to be paid out of his salary. He is directed to deposit this amount in the State Treasury Head No. 0070-60-800-86-51 within one month of the passing of these orders and inform the Commission. In case amount is not deposited within a month, CA, HSVP is directed to deduct the amount of penalty from his salary of December, 2022 to be paid in January, 2023 and deposit the same in the Treasury Head mentioned above.

14th November, 2022

