

(80)

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone 011-23216002-04, Telefax:011-23216005, Email: comdis.delhi@nic.in
(Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016)

Case No. 4/1302/2016-Wel/CD/2235-38

Dated: 6/10/2017

In the matter of:

Dr. Nitesh Tripathi
H.No. 241, Gali No. 11, B-Block,
Sant Nagar, Burari,
Delhi-110084.

.....Complainant

The Commissioner,
North Delhi Municipal Corpn.
Dr. S.P.M. Civic Centre,
New Delhi-110002.Respondent No.1

The Engineer-In-Chief,
Public Works Deptt.,
GNCT of Delhi,
12th Floor, MSO Building,
IP Estate, New Delhi-110002.

.....Respondent 2

Date of Hearing : 29.09.2017

Present : Dr. Nitesh Tripathi, Complainant.
None for respondent.

ORDER

The above named complainant, a person with locomotor disability vide his email dated 05.07.2016 submitted that the Public Works Deptt.(PWD) and North Delhi Municipal Corporation (North DMC) have not filed a case for not providing accessible road to Kamal Vihar, near Chetan Bihari Temple Sant Nagar Burari, Delhi-110084. He requested to order an access audit of the road by deputing an officer of the Court.

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
In No. 1
25-D, Mata Sundari Road, New Delhi-02

① The complaint was taken up with the respondents vide communication dated 19.07.2016 followed by reminders dated 07.10.2016 & 15.11.2017. Thereafter a hearing was scheduled on 27.12.2016. As none appeared on 27.12.2016, another hearing was scheduled on 29.09.2017.

3. On 29.09.2017, Sh. Kapil Gupta, Executive Engineer, Civil Lines Zone and Sh. Y.A. Zafari, Asstt. Engineer, appeared for Commissioner, North DMC and submitted the status report dated 26.09.2017. As per the said report, the road in question has been recently constructed by the Irrigation and Flood Control Deptt.(I&FC). A recent photograph of the road has also been enclosed. They further added that the area does not fall under the jurisdiction of North DMC or PWD. As the area is an unauthorised colony, the I&FC Deptt. is responsible for construction and maintenance of the road. Thus, no action is required by the maintenance division of North DMC.

4. In view of the above submissions, there is no need for an access audit of the area at this stage. I&FC Deptt. is advised to ensure proper accessibility for movement of persons with disabilities wherever they construct / maintain any road or civic facilities.

5. The complainant is also advised to take up such matters with the concerned authorities and in the event such authorities do not take appropriate action on his complaint and his rights are infringed, the complaint may then be filed before the Commissioner for Persons with Disabilities in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016 and the Rules framed thereunder.

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Room No. - 1
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The matter is disposed of accordingly.

7. Given under my hand and the seal of the Court this 6th day of October, 2017.



Court of Commissioner (Disabilities)
National Capital Territory of Delhi

25-01-2017 (T.D. Dhariyal) Delhi-02

State Commissioner for Persons with Disabilities

Copy to:

Chief Engineer, I&FC Department, L.M. Bund Office Complex, Shastri Nagar,
Geeta Colony, Delhi.