

**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](mailto:comdis.delhi@nic.in)**

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

**1. Case No. 670/1101/2019/01/1535-1538                      Dated: 29.03.2019**

(Reg. inaccessibility of Hotel Shhaurya)

In the matter of:

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

.....Complainant

Versus

The Commissioner  
South Delhi Municipal Corporation  
9th Floor, Dr. S.P.M. Civic Centre  
JLN Marg,  
New Delhi -110002.  
(Attention: Sh. Ramesh Chand, Nodal Officer,  
Chief Engineer, SDMC)

.....Respondent No.1

The Vice Chairman  
DDA, A-Block, 1st Floor,  
Vikas Sadan, Near INA Market  
New Delhi-110023

.....Respondent No. 2

The Manager  
Hotel Shhaurya  
Sector 13, Kakrola  
New Delhi 110075

.....Respondent no 3

**2. Case No. 691/1101/2019/01/**  
(Reg. Inaccessibility of Gazzab Family Restaurant)

In the matter of:

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

.....Complainant

Versus

The Commissioner  
South Delhi Municipal Corporation  
9th Floor, Dr. S.P.M. Civic Centre  
JLN Marg,  
New Delhi -110002.  
(Attention: Sh. Ramesh Chand, Nodal Officer,  
Chief Engineer, SDMC)

.....Respondent No.1

The Vice Chairman  
DDA, A-Block, 1st Floor,  
Vikas Sadan, Near INA Market  
New Delhi-110023

.....Respondent No.2

The Manager  
Gazzab Family Restaurant  
RZ B-11, Mahavir Enclave part 1,  
Mahavir Enclave, New Delhi 110045

.....Respondent no 3

**3. Case No. 713/1101/2019/01/**  
(Reg. Inaccessibility of Vamsi Digital Zone)

In the matter of:

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

.....Complainant

Versus

The Commissioner  
South Delhi Municipal Corporation  
9th Floor, Dr. S.P.M. Civic Centre  
JLN Marg,  
New Delhi -110002.  
(Attention: Sh. Ramesh Chand, Nodal Officer,  
Chief Engineer, SDMC)

.....Respondent No.1

The Manager  
Vamsi Digital Zone  
RZ B-11 B, Main Road Mahavir Enclave,  
Palam South West Delhi-110045

.....Respondent no 2

**Date of Hearing:** 25.03.2019.

**Present:** Dr. Nitish Tripathi, Complainant in person.

### **ORDER**

These cases were tagged with Case No. 679/1101/2019/01 and No. 593/1101/2018/11 filed by the same complainant, namely Dr. Nitish Kumar Tripathi and a common record of proceeding for hearing held on 12.02.2019 was issued. In the said two cases, DDA is the respondent, whereas in these three cases, DA is not the essential party. Therefore, these three cases have been delinked and are being disposed of by this common order.

2. The complainant, a person with 65% locomotor disability raised the accessibility issues at the following three locations:

i) Vide email dated 31.12.2018, Dr. Nitish Tripathi submitted that the alleged Hotel Shhaurya Guest House, New Delhi was not disabled friendly. DDA market at Sector 13, Kakrola was developed by Delhi Development Authority. He also enclosed the photographs that revealed the absence of accessible feature.

ii) Vide his email dated 08.01.2019, the complainant alleged that Gazzab Family Restaurant, Mahavir Enclave, New Delhi is not disabled friendly and the market was developed by DDA.

He attached the photographs that revealed that the absence of accessible features.

iii) The complainant vide his email dated 09.01.2019 submitted that Vamsi Digital Zone which was the centre for online computer based test for NEET PG examination was not disabled friendly. The photographs enclosed by him revealed absence of accessible feature.

3. It was observed that *prima facie* there was contravention of the provisions of the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as 'Act'.

4. Section 40 of the Act provides for formulating rules to lay down the standards of accessible physical environment etc for persons with disabilities. Rule 15 of the Rights of Persons with Disabilities Rules, 2017 notified by Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) vide notification dated 15.06.2017 provides that the standard for public buildings as specified in the Harmonized Guidelines and Space Standards for Barrier Free Build Environment for Persons with Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016 shall be complied by every establishment. Section 45 and Section 46 of the Act mandate that all existing public buildings and the services shall be made accessible for persons with disabilities within a period of 5 years and 2 years respectively.

5. In light of the above provisions of the Act/Rules, the respondents were directed to submit their version of the case and it was also decided to hold a common hearing on 12.02.2019 in 5 cases filed by Dr. Nitish Tripathi.

6. Sh. Ramesh Chander, who appeared on behalf of owner of Hotel Shhaurya Guest House also submitted that he did not receive the earlier notice and therefore sought 10 days time to submit written submissions. He also stated that all efforts will be made to provide facilities for access to the Shhaurya Guest House within the constraints of the space. Wheel chair is available for use by the customers in need and other facilities will be provided within the time frame this Court may fix.

7. Sh. Ganesh Sharma, Manager alongwith Sh. Ranjit Kumar for Gazzab Family Restaurant (Case No. 691/1101/2019/01) submitted that they did not receive the earlier notice. However, they are willing to provide the possible facilities to make the restaurant accessible for persons with disabilities within the time frame this Court may fix. They will file written submissions within 10 days. He further submitted that it may not be possible to provide certain things mentioned in the complaint due to constraints of space.

8. Assistant Engineer (M)-IV Najafgarh Zone, SDMC vide reply dated 12.02.2019 has submitted that neither the building of Vamsi Digital Zone nor Mahavir Enclave colony (case no. 713/1101/2019/01) are under the jurisdiction of South DMC. It is a private building in unauthorized colony. During the hearing, Sh. Ashish Mishra, JE stated that DSIIDC/Irrigation and Flood Control Department are responsible for maintenance of roads and the Building Department of South DMC deals with the compliance of building bye-laws. He was directed to handover the relevant papers to the concerned officer of Building Department of SDMC under intimation to this Court. None appeared on behalf of Vamsi Digital Zone.

9. Commissioner, SDMC was advised to direct the concerned officer of Building Department to file written submissions indicating

therein also the authority responsible for ensuring compliance of building bye-laws in the unauthorised colonies so that the complaints can be disposed off.

10. Gazzab Family Restaurant in case No. 691/1101/2019/01 and Vamsi Digital Zone and SDMC in case No. 713/1101/2019/01 were directed to submit their written submissions by 28.02.2019. They were also directed to enclose the pictures of the facilities for which provision is made by the date of filing their replies.

11. Sh. Durgesh Sharma, owner of Hotel Shhaurya vide his letter received on 22.02.2019 informed that in compliance of the direction vide RoP dated 12.02.2019, they have made provisions for the following and also enclosed photographs of the ramp, hand rails, railing and the wheel-chair alongwith necessary permission letters from SDMC and Delhi Fire Services:

*“1. Wheel chair has already been provided at reception of Guest house. (Photograph attached)*

*2. Railing at main gate on both sides has been provided. (Photograph attached)*

*3. Ramp at Drive way entrance to reach main reception of the guest house has been provided.*

*The rest of the facilities such as bathroom for disabled will be provided within 2 months and we promise to provide the other facilities as described by this hon'ble court as soon as possible.*

*Submitted please.*

**(Durgesh Sharma)**  
**Owner of Guest house Shhaurya”**

12. On 25.03.2019, Sh. Ganesh Sharma, Sr. Manager F&B, Gazzab Family Restaurant appeared and filed written statement which is reproduced below:

*“Respected Sir/ Madam,*

*As per last hearing dated 12.02.2019 at the Court of State Commissioner for Persons with Disabilities, National Capital Territory of Delhi, 25-D, Mata Sundari Road, New Delhi-02. We work on al the points highlighted on your notice regarding inaccessibility related issued for creating avoidable barrier on way to persons with Disabilities.*

*As per discussion at the Court of State Commissioner for Persons with Disabilities, National Capital Territory of Delhi, 25-D, Mata Sundari Road, New Delhi-02. We will provide the possible facilities to make our restaurant is accessible for all the persons with disabilities.*

*Regarding to that we appointed two dedicated restaurant staff for entry and exit at restaurant for the persons with disabilities.*

*We removed flowerpots and decorative stuffs from our restaurant entry and exit point along with walking area.*

*Apart above we work on possible facilities to make our restaurant is accessible for all the persons with disabilities like toilets and many more.*

*The facilities will provide in next 3 months from today (25.03.2019).*

- 1. Temporary Ramp (Removable) for wheel chair on our entry and exit area.*
- 2. Will install railing on stairs both side for easily hold by hand*
- 3. In bath room will install hand holder near gents and ladies bath room.”*

13. None appeared for Vamsi Digital Zone on 25.03.2019 also.

14. In view of the action taken by owner of Hotel Shaurya and Gazzab Family Restaurant in Case No. 670/1101/2019/01 and Case No. 691/1101/2019/01 respectively, the complaints are disposed of with the direction that all the feasible accessible facilities for persons

with disabilities be ensured before **15<sup>th</sup> June, 2019**, which is the date by which the service providers (Govt. as well as private) are mandated to provide services in accordance with the rules on accessibility formulated by the Central Govt. under Section 40 of the Act. A compliance report be submitted by 20<sup>th</sup> June, 2019.

15. In light of the submissions dated 12.02.2019 of SDMC that building of Vamsi Digital Zone and Mahavir Enclave Colony are not under its jurisdiction, it is recommended that Principal Secretary, Department of Urban Development, Govt. of NCT of Delhi, which is the nodal Department for the purpose, should take urgent steps/action to ensure that premises of Vamsi Digital Zone be either made accessible or the owner of the said facility be stopped from providing any kind of service that is not accessible to persons with disabilities from there beyond 15<sup>th</sup> June, 2019 and an action taken report in this regard be submitted to this Court by 30<sup>th</sup> June, 2019 as required under Section 81 of the Act. With this recommendation case no. 713/1101/2019/01 is also disposed of.

16. The cases are disposed of.

17. Given under my hand and the seal of the Court this 29<sup>th</sup> day of March, 2019.

**(T.D. Dhariyal)**  
**State Commissioner for Persons with Disabilities**

Copy to:

Principal Secretary, Urban Development Department GNCTD,  
9th & 10th Level, Delhi Secretariat, I.P. Estate, New Delhi – 110002 for  
action on para 15 of this order.



