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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. 1145/1141/2019/09/7620-7623

Dated: 05/11/2019

In the matter of:

Ms. Jyoti Singh,
17/5, Rajpur Road, Civil Lines,
Delhi-110054.

.....Complainant

Versus

The Vice Chairman
Delhi Development Authority,
B-Block, 1st Floor,
Vikas Sadan,
New Delhi-110023.

.....Respondent

Date of last hearing: 18.10.2019

Present: Sh. K.S. Meena, AR for complainant.

Sh. Piyush Chandel, Advocate for respondent.

ORDER

The above named complainant a person with 100% locomotor disability and wheel chair user, filed a complaint which was received on 18.09.2019. She submitted that she has been allotted a HIG Flat No. A8-03, Cluster-4, Ground Floor in Vasant Kunj by Delhi Development Authority (DDA), for which she is grateful to DDA. She has come to know that the DDA provides 5% rebate in the cost of the flat allotted to persons with disabilities but the maximum limit of rebate is Rs. 1.00 lakh.


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The said rebate is given in accordance with the Ministry of Housing and Urban Affairs, Govt. of India's OM No. 0-11016/1/2006-DDIIA (196/DDR/C) dated 09.10.2006.

2. The complainant requested the respondent that the limit of rebate of Rs. 1.00 lakh should be raised to Rs. 10.00 lakh as the cost of HIG Flat has increased from Rs. 25.00 lakh in 2006 to Rs. 1.40 crore to Rs. 1.80 crore vide her representation dated 02.08.2019. She also requested that the interest on EMIs should be a nominal 1% for persons with disabilities as otherwise the policy in the exiting form is actually not a concession. She further submitted that she has not received any response from the concerned authorities. Therefore the matter may be taken up on urgent basis as the demand letter is likely to be issued by DDA any time and if the policy is not changed before the demand letter is issued, this complaint would become infructuous.

3. The complaint was taken up with the DDA vide SCN-Cum-Hearing Notice dated 25.09.2019 and the respondent was directed to submit the action taken report on the request of the complaint and a hearing was scheduled 09.10.2019. A copy of the notice was also given to the Secretary, Ministry of Housing and Urban Affairs, Govt. of India and Secretary to Hon'ble Lt. Governor, Delhi.

4. On 09.10.2019, Sh. Manish Khari, Proxy Advocate appeared on behalf of DDA and sought two weeks to furnish written submissions as Sh. Piyush Chandel, Advocate was out of station.


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
5. Sh. K.S. Meena, father of the complainant appeared and submitted that an early decision in the matter is critical as DDA may issue the demand letter any time.

6. On the next date of hearing on 18.10.2019, Sh. Piyush Chandel, Advocate who appeared on behalf of the respondent alongwith Sh. C.Tete, Dy. Director(SFS/HIG) filed a status report. As per the status report, DDA has approved an agenda item No. 93/2019 for raising the ceiling of rebate from Rs. 1 lakh to Rs.2.5 lakh and removal of lock-in period of 15 years. The proposal has been forwarded to the Ministry of Housing and Urban Affairs vide letter dated 26.09.2019.

7. It is observed that as per the proposal at 4.1(v) of the Agenda, the allottees with disabilities will be given option either:

- (i) part cost in lump sum and balance in revised EMIs with an interest @10%; or
- (ii) to pay the full cost of the flat to DDA and raise loan from the banks / other financial institutions or any other resource of their own choice at lower rate of interest.

8. Sh.K.S. Meena, while appreciated the positive efforts initiated by the DDA, he submitted that the cost of DDA flats has increased more than 5 times and therefore the ceiling should accordingly be raised. He also submitted that persons with disabilities should be charged only a fraction of the current market rate of interest. The adverse impact on the balance sheet of DDA as the reason for not reducing the rate of interest would amount to formulating an insensitive policy for persons with disabilities. He also desired to file his rejoinder.


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9. Vide his rejoinder, Sh. K.S. Meena on behalf of the complainant has reiterated that Rs. 2.5 lakh, as the ceiling of rebate is not in proportion of the increase in the price of the flat. He therefore has reiterated that the rebate should be 5 % of the cost of all flats without any ceiling irrespective of the category of the flat. Further, 10% interest on EMI is exorbitant. As the intent of the Govt. is to provide soft loan facility to persons with disabilities, the interest rate should be nominal i.e. 25 % of the MCLR. He has contended that the decision of DDA with regard to the requests of the complainant tantamounts to denial of any concession. The lock-in period is not the subject matter of the complaint.

10. In view of the above submissions, while the action of DDA is appreciable, the request of the complainant that the concession of 5% of the cost of the flat should be without any ceiling ^{may} ~~should~~ be considered. A subsidised rate of interest on EMIs is also a reasonable demand which the DDA and Ministry of Housing and Urban Affairs should consider.

11. This Court be informed of the action taken on the above recommendations within 3 months from the date of receipt of this order as required under Section 81 of the Act, which is reproduced below:

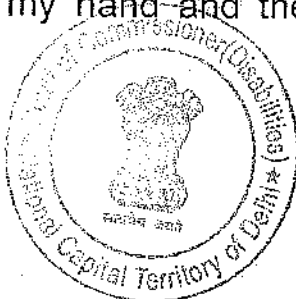
"Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

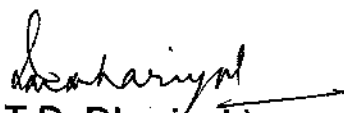
Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person."

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12. The complaint is disposed of.

13. Given under my hand and the seal of the Court this 5th day of November, 2019.




(T.D. Dhariyal)

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Copy for information to:


1. The Secretary, Ministry of Housing and Urban Affairs, Govt. of India, Nirman Bhawan, C-Wing, Rajpath Area, Central Sectt. New Delhi, Delhi-110011.
2. The Secretary to the Hon'ble Lt. Governor of Delhi, 6 Raj Niwas Marg, Ludlow Castle, Civil Lines, Delhi-110054.

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