

**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-110002

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

Case No. 2175/1141/2021/03/6878-6886

Dated: 16-09-22

In the matter of:

**The Chairperson & Founder
on behalf of Sh. Vivek Kapoor,**
Muskaan-A Parents Association for
the Empowerment of Persons with
Intellectual Disability,
Plot No. 3, Pocket-2, Sector-B,
Vasant Kunj, New Delhi-110070.

.....**Complainant**

Versus

(1) The District Magistrate (South)
GNCT of Delhi, MB Road, Saket,
New Delhi-110017.

.....**Respondent**

**(2) The Deputy Commissioner
of Police (South)**
Hauz Khas, New Delhi-110016

.....**Respondent**

(3) All Members of District Level Committee,
District South, (Through DM, South)

.....**Respondent**

**(4) The Bank Manager,
Central Bank of India,**
1-ab Safdarjung Enclave
Delhi-110016.

.....**Respondent**

- (5) **The Bank Manager,
Indian Overseas Bank,**
Shop No. 19, Shopping Centre,
Block B 2, Safdarjung Enclave,
New Delhi 110029.**Respondent**
- (6) **The Bank Manager,
State Bank of India**
R93. Masood Pur, Vasant. Kunj,
New Delhi 110070.**Respondent**
- (7) **The Bank Manager,
Canara Bank (Previously Syndicate Bank)**
Khasra No. 229/2, Main Road,
145, Fatehpur Beri, Delhi-110074.**Respondent**
- (8) **The Bank Manager
Punjab National Bank,**
Chanavula, Chattarpur,
House No. 133, V&PO-Asola,
Main Road, New Delhi-110074.**Respondent**

Date of Hearing: 14.09.2022

Present: Dr. Shanti Auluck and Ms. Seema Chadha, on behalf of
'Muskaan'

Ms. Priyanka Kumari, ADM, on behalf of District Magistrate
(South)

Insp. Rajeev Kumar, SHO, Fatehpur Beri, on behalf of DCP
(South)

Mr. Vikas Pandey DSWO(South)

Mr. S. Rana (WO), O/o DSWO(South)

Mr. Manish Kaushik, SE, PWD, Member of DLC, District South

Md. Razi Alam Khan, Asstt. Commissioner (South), MCD

Dr. Pushpa, Joint Labour Commissioner (South)

Mr. S.C Meena, DDE, District (South)

Mr. S.K Tanwar, S.O (District South), Education Department

Dr. Sangeeta, CDMO (South)

Dr. Mayuri, SMO (Psychiatrist), Pt. MMM Hospital

Mr. Rishi Kant Mishra, SI, VRN, District South West

Ms. Madhu Grover, representing NGO 'AADI'
Ms. Meenu Mani
Mr. Abhishek Ranjan, Assistant Manager, SBI
Adv. Manish Baidwan and Adv. Ankit Sharma, on behalf of
SBI
Ms. Deepa Ranjan, Central Bank of India
Mr .P. Gopalkrisana, Officer Scale-I, Canara Bank
Ms. Priya Choudhary, Manager, Indian Overseas Bank

ORDER

Dr. Shanti Auluck, The Chairperson & Founder, 'Muskaan' - A Parents Association for the Empowerment of Persons with Intellectual Disability on behalf of Sh. Vivek Kapoor, a person with 50% intellectual disability, filed a complaint dated 17.08.2022, under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. The complainant alleged that the banks are not providing the detail of Accounts and FDs balance in respect of Late Smt. Shashi Kapoor, Mother of Mr. Vivek Kapoor.

2. The brief facts of the case are as under:-

- (i) The complainant vide letter dated 24.03.2021 informed that post demise of Smt. Shashi Kapoor mother of Mr. Vivek Kapoor, a person with intellectual disability, the guardianship of Mr. Vivek Kapoor is with 'Muskaan' and he is currently a resident of 'Muskaan'. Mr. Vivek Kapoor had been staying with 'Muskaan' earlier also. He is the only child and his mother Ms.Shashi Kapoor was a single parent and she admitted him in 'Muskaan' residential facility in 2012. Mr. Vivek was living with his mother for quite some time during the covid pandemic. 'Muskaan' had taken the life-long responsibility of safe and dignified living of Mr. Vivek.

- (ii) Vide this Court letter dated 26.03.2021 to District Magistrate (South), GNCT of Delhi, it was ordered that Mr. Vivek Kapoor be looked after by 'Muskaan' at their residential facility and they should take custody of all belongings on behalf of Mr. Vivek Kapoor which legitimately belongs to him. DM (South) was requested to depute a representative to oversee the process so as to provide due social security to the intellectually disabled person, by 'Muskaan'.
- (iii) Further, vide letter dated 06.04.2021 and 11.06.2021, this Court directed District Magistrate (South) to ensure safe custody of belongings/documents/assets of late Smt. Shashi Kapoor, mother of Mr. Vivek Kapoor and of Mr. Vivek Kapoor like Cash in hand, Jewellery, F.D.s, detail of deposited amount in the banks alongwith passbooks, guardianship certificate etc. to 'Muskaan'.
- (iv) Vide letter dated 13.03.2022, 'Muskaan' informed that the Court's order dated 11.06.2021 had been executed by the District Magistrate's office and in the LLC meeting held on 17.01.2022, the Guardianship of Mr. Vivek Kapoor had been duly granted to 'Muskaan' though the certificate is yet to be received by 'Muskaan'. However, action on obtaining all financial documents of Mr. Vivek Kapoor and his late mother, Smt. Shashi Kapoor was still pending. 'Muskaan' requested for intervention of the Court as the Banks were refusing providing any details about FDs etc. without a Court order.
- (v) The District Magistrate, South vide this office letter dated 05.04.2022 was again requested to issue the Guardianship Certificate to 'Muskaan' and to contact the Banks and seek the balance amounts to avoid any illegal withdrawal as only 'Muskaan' was allowed to operate the accounts for and on behalf of Mr. Vivek Kapoor for his well being. 'Muskaan' vide letter dated 21.04.2022 informed that the Guardianship Certificate in

respect of Mr. Vivek Kapoor was issued and received by 'Muskaan'. But the banks did not provide any detail of deposited amount and FDs etc.

3. The matter was taken up with the bank managers vide letter dated 05.05.2022. However, no reply was received. Complainant vide complaint dated 17.08.2022 referred above, requested for a hearing with the Managers of Banks having account/FDs in respect of Mr. Vivek Kapoor/Smt. Shashi Kapoor. A hearing was scheduled for 14.09.2022 with all concerned in the instant case.

4. During the hearing, State Commissioner briefed about the two important aspects of this case. One relates to issue of Guardianship in respect of Mr. Vivek Kapoor to 'Muskaan' which was thankfully resolved as per the National Trust Policy and the other concerning the financial aspects i.e. the amount deposited in favour of Mr. Vivek Kapoor in Accounts of different Banks and FDs. SCPD expressed his concern in this regard. It was sad to observe such lackadaisical approach of the concerned banks/authority in respect of a person with disability, who was an orphan.

5. PNB submitted detailed information/documents relating to deposits and FDs in respect of Mr. Vivek Kapoor and Smt. Shashi Kapoor vide email dated 08.09.2022 while representatives of Indian Overseas Bank and Central Bank submitted the documents during the hearing.

6. SCPD asked 'Muskaan' about the way the finances relating to Mr. Vivek Kapoor would be managed. It was submitted by 'Muskaan' that they want all the accounts and FDs be kept in one bank so that it can be well managed for the well being of Mr. Vivek Kapoor. It was also informed by the 'Muskaan' that they are facing difficulty in obtaining death certificate of Smt. Shashi Kapoor which is required to complete legal formalities.

7. After due deliberation and discussion and taking into account the submissions of complainant and in view of the documents submitted by the banks, it was recommended as under:-

- (i) All the concerned Banks (i.e. State Bank of India, Canara Bank, Punjab National Bank, Indian Overseas Bank and Central Bank) need to provide complete details of deposited amount and FDs in respect of Sh. Vivek Kapoor and Late Smt. Shashi Kapoor and the same be submitted to this Court within 10 days from the receipt of this order. **(Action : State Bank of India, Canara Bank, Punjab National Bank, Indian Overseas Bank and Central Bank)**
- (ii) All concerned five banks should submit the details of withdrawals post the demise of Smt. Shashi Kapoor who expired on 22.03.2021 within 10 days from the receipt of this order. **(Action : State Bank of India, Canara Bank, Punjab National Bank, Indian Overseas Bank and Central Bank)**
- (iii) District Magistrate (South) is overall responsible for follow up of guardianship in respect of Sh. Vivek Kapoor to the NGO, 'Muskaan'. **(Action : District Magistrate (South))**
- (iv) To manage the finances in different banks in respect of Sh. Vivek Kapoor and Late Smt. Shashi Kapoor, ADM (South) Smt. Priyanka Kumari should convene a meeting with representatives of 'Muskaan' and the Five banks and sort out issue on 20.09.2022 at 11:30 A.M. Feedback of the outcome of the meeting be submitted to this Court by 25.09.2022. **(Action : ADM(South), 'Muskaan' and all the five banks)**
- (v) Regarding death certificate of Smt. Shashi Kapoor, Muskaan should take up the matter with MCD, local Police and office of DM (South) who are directed to cooperate with 'Muskaan' for getting the death certificate issued at the earliest. **(Action : District**

**Magistrate (South), Deputy Commissioner, MCD(South), SHO,
P.S. Fatehpur Beri)**

- (vi) SCPD stressed upon all present the need of sensitization towards the persons with disabilities like Mr. Vivek Kapoor. All should provide all kind of help for the welfare of Mr. Vivek Kapoor and should cooperate with 'Muskaan' so that they can look after him efficiently.

8. Given under my hand and the seal of the Court this 16th day of September, 2022.

(Ranjan Mukherjee)
State Commissioner of Persons with Disabilities