

BHIWANDI NIZAMPUR CITY MUNICIPAL CORPORATION, BHIWANDI.

SUBJECT: Procedural Guidelines for conduct of business of Grievances Redressal Committee (G.R.C.) in Bhiwandi Nizampur City Municipal Corporation.

1) Introduction:-

1.1 In Writ Petition No.2878 of 2016 Hon'ble High Court gave directives to BNCCM that there should be a proper mechanism for redressal of grievances pertaining to unauthorized constructions at different level. Hon'ble Municipal Commissioner decided to set up Grievances Redressal Committee (G.R.C.) under the Chairmanship of Deputy Municipal Commission (Removal of Unauthorized construction and encroachment).

Deputy Municipal Commission (Removal of Unauthorized construction and encroachment) and all Designated Officers are hereby directed to give wide publicity to this Circular so that citizens will be aware of the mechanism available for redressal of grievances pertaining to unauthorized construction.

1.2 It is essential to lay down guidelines prescribing procedure to be followed to carry out smooth functioning of the Grievance Redressal Committee (G.R.C.) and in view of thereof following guidelines are being issued.

2) Aim:-

2.1 The forum of "G.R.C" is for redressal of grievances received from the complainant in respect of action/ non-action on unauthorized constructions by the Designated Officers within the time frame.

2.2 "G.R.C" will be reviewing and monitoring authority. It will analyse the factual reasons of the case in the light of Natural Justice and pass the speaking order or directions to do the needful in case of failure of taking necessary action by Designated Officer.

2.3 The "G.R.C" shall not pass any order which will stop/stay the notice action initiated by Designated Officers and the on going notice will continue and brought to its logical conclusion.

3) Formation of the "G.R.C":-

- 3.1 Committee Member 1. D.M.C - Chairman
(Removal of unauthorized construction and encroachment)
2. A.D.T.P. - Member
3. City Engineer - Member
4. Municipal Secretary - Member
5. Law Officer - (Secretary)
6. Development Officer - Member

3.2 D.C.P./A.C.P. of concerned Zone will be called as a Special Invitees as and when the grievances of their areas are being heard.

4) Mode of filing Applications:-

4.1 Complainant initially is required to file his complaint in "Form-A" to the concerned Designated Officer of Ward Committee and obtain proper acknowledgement. Concerned Designated Officer is required to take cognizance of the complaint in consideration of Form-A i.e authenticity of complaint based on documentary proof. If no documents are submitted by the complainant then complaint should not be entertained and intimated accordingly. However such a complaint should be verified by the Designated Officer and his staff comes to the conclusion for necessary action should be taken or not.

In any case D.O. is required to start necessary action as early as possible from the receipt of complaint and should communicate the same to the complainant within 30 days from the receipt of the complaint.

Criteria to approach "G.R.C" by Complainant:-

4.2 If no reply is received or the complaint is not attended within 30 working days or if the complainant feels that the reply given/action taken by Designated Officer is not proper, then the Complainant may lodge a complaint with "G.R.C" within two weeks after the period of 30 working days in case of reply not received

/ action not taken/ of the receipt of the reply by him as the case may be then the complainant should submit the complaint in "Form B" to "G.R.C"

4.3 Submission of Documents by Complainant:-

- a) Zerox Copies of "Form A" , acknowledgement by the office of Designated Officer.
- b) Zerox Copies of the replies received if any from the Designated Officer.
- c) Undertaking stating that the matter is not sub-judiced.
- d) Copy of photo Identity Proof of the Complainant, like Aadhar Card/Pan Card etc.

4.4 Acceptance of Documents by Secretary of "G.R.C":-

All the above documents, are required to be submitted by the complainant to the Secretary of "G.R.C".

5) Duty of Secretary of "G.R.C":-

After acceptance of the complaint, the Secretary should check all above documents submitted as above and then enter the grievances in the register alongwith all particulars and give acknowledgement to the complainant. After verification of documents, information from concerned Designated Officer, should be collected and report should be submitted to the Chairman i.e. Deputy Municipal Commissioner (Removal of unauthorized construction and encroachment) with regard to grant of hearing or not to grant hearing. After approval of Chairman, the same should be communicated to complainant within 15 days after receipt of the complaint by the Secretary. If the hearing is denied then, the Chairman shall specify the reasons/ justification for the denial.

6) Hearing Procedure:-

6.1 For hearing, complaint must remain present personally on due date and time. No representative will be allowed to represent the case.

6.2 Request from the complainant to postpone the hearing will not be entertained. However, the Chairman may in special circumstances grant postponement.

6.3 If complainant is not remained present during the hearing, the Committee will be liberty to take ex-parte hearing and take decision on the same. The decision taken should be communicated to the complainant should be disposed off.

6.4 At the time of hearing, full opportunity shall be given to the complainant by following the principles of natural justice. No new documents, proofs will be entertained at the time of hearing, as it was required to be submitted initially by the complainant to Designated Officer. If, the Committee comes to the conclusion that the new documents produced by the complainant are authentic, then the Committee may direct the complainant to produce the same before the Designated Officer and the complaint before the committee shall be disposed off.

“G.R.C” shall pass speaking orders within 10 working days from the date of hearing after considering the provisions of M.M.C Act/ M.R.T.P. Act and as per Rules, Regulations and Policies of the BNCCMC.

6.5 To follow the principles of natural justice, owner/occupier against whom complaint / notice is made/ issued, may be called to attend the hearing as per the requirement of the case. In such case, failure of owner/ occupier to attend hearing of GRC, chairman will pass ex-parte order.

6.6 Proceedings of the hearing should be properly noted by the Secretary at the time of hearing alongwith attendance sheet.

7) Meetings

7.1 The “G.R.C” shall hold hearings from time to time. At least one meeting should be conducted in every month.

7.2 At least 7 days prior to the proposed meeting, the Member Secretary should circulate a report on all complaint in tabulated formate to all the Members

of "G.R.C" inform well in advance of the date on which the matter is listed for hearing.

8. General:-

8.1 Period of notice as mentioned in various sections of MMC/MRTP Acts, as per procedural circulars will be final and it cannot be altered/extended by "G.R.C".

8.2 Forum of "G.R.C", is for redressal of grievances received from complainants. Pending hearing at "G.R.C" shall not be construed as the stay to the notice action, initiated by concerned Designated Officer.

8.3 In case of any clarification is needed on the guidelines / procedures/ police etc. It may be obtained from D.M.C.

8.4 Copy of each order passed by the "G.R.C" s should be forwarded to all Secretary Office for compilation of the report and further report to higher authorities.

**Commissioner
BNCMC**

(For every single unauthorized structure separate form should be submitted)

FORM "A"

To,
Designated Officer,
Ward Committee No.
BNCMC.

Sub:-Complaint of unauthorized construction

1.Name of Complainant
2.Aadhar Card No. of the Complainant/
details of photo ID proof
3.Address of the Complainant
4.Office/Business address of the
Complainant if any

5.Contact No:- Residential Landline No. Office/Business landline No.....
Personal Mobile No. Office/Business Mobile No.....
6.E-Mail ID : personalOffice/Business

7.Address of the Complainant Structure :

8.Electoral Ward in which complaint structure is :
located
9.Name of the owner/Occupier of the complaint :
structure

10.Relation of the Owner/Occupier of the complaint :
structure with complainant, If any
11.If the Complainant is directly affected, the
reasons there of

12.Complete details of the unauthorised work such
as nature of work, No. of unauthorised floors/rooms :
with approx. area etc.
(documents / proofs must be submitted)

13.Reasons/ground/evidence on the basis of which :
the said construction is illegal/unauthorised
(documents / proofs must be submitted)

I hereby declare that the details given above are true and correct.
I hereby declare/undertake that this Complaint/Petition/Subject matter is not
sub-judiced in any court.

.....
(Signature of Complainant)

Date:-

FORM B

Sub:-Complaint against unauthorized construction

- 1.Name of Complainant :
- 2.Aadhar Card No. of the Complainant/
details of photo ID proof :
- 3.Address of the Complainant :
- 4.Office/Business address of the
Complainant if any :
- 5.Contact No:- Residential Landline No. Office/Business landline No.....
Personal Mobile No. Office/Business Mobile No.....
- 6.E-Mail ID : personalOffice/Business
- 7.Address of the Complaint Structure :
- 8.Name of the owner/Occupier of the complaint :
- 9.Complete details of the unauthorised work such
as nature of work, No. of unauthorised floors/rooms :
- 10.Details of Designated Officer with whom :
- 11.Reply of Designated officer, if any :
- 12.Reason for complaint against Designated
officer :

I hereby declare that the details given above are true and correct.
I hereby declare/undertake that this Complaint/Petition/Subject matter is not
sub-judiced in any court.

.....
(Signature of Complainant)

Date:-