

OFFICE OF THE ADMINISTRATOR
ASHA DEEP COOP GH SOCIETY, PLOT NO.- 3B,
SECTOR-02, DWARKA, NEW DELHI-110075.

F.No.- DOE/ASHADEEP/RCS/2023/

Dated: 25.05.2024

NO.-69

To,

Shri Rajiv Sharma (Membership No.- 189)
A-301, Asha Deep CGHS Ltd.,
Plot 3B, Sector – 2, Dwarka, New Delhi – 110075.

Sub:- **SEEPAGE FROM YOUR FLAT.**

Please refer to my e-mail dated 23.03.2024 and seepage matter raised by Shri Mahipal Singh in the meeting held on 07.04.2024 in community hall of the society, thereby, you were advised to get the seepage stopped from your toilet (store room side) of your flat as it is going down upto flat no. A-201 and out-side area, thereby, endangering the life of residents of these flats. It has not been rectified by you so far. Due to omission on your part, the residents of flat no. A-201 are facing the problem of foul smell and there is likelihood of getting electric current in the wall also.

You have already been told and the Plumber has also confirmed that the seepage in the wall is coming from the internal pipe of toilet (store room side) of your flat. I have also received complaints vide letter dated 17.05.2024 (copy enclosed) of Shri Mahipal Singh, (MS No. – 211), Owner of Flat No. A – 201 in this regard. Hence, you are advised to get the defect rectified immediately to avoid any further loss to these flats and to the society's structure at large.

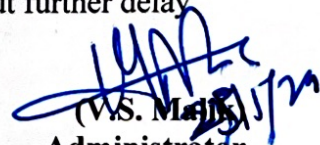
I may remind you that there exists provisions/rules in the DCS Act and Rules that the internal Seepage/repair shall be carried out by the allottee and if he fails to do so it can be done by the society and the expenditure shall be recovered from the allottee. If the allottee does not co-operate, it can be done with the Magistrate / police help. Further the damage, if any caused to the other flats due to your omission shall also become recoverable from you.

As per Section 268 IPC: "A person is guilty of a public nuisance who does any act or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to person who may have occasion to use any public right."

Section 133 of the Criminal Procedure Code, 1973 is a condition order to remove nuisance. This provision is usually used in urgent cases where public nuisance needs to be removed. Nuisance, in simple terms, refers to any physical inconvenience or discomfort that interferes with the ordinary comfort of a human being. The Sub- Divisional Magistrate is empowered to issue conditional order under CrPC.

It is a criminal act of nuisance which is endangering the life of the residents of other dwelling units.

Hence, you are once again advised to get it rectified immediately without further delay.


(V.S. Malik)
Administrator
Asha Deep CGHS Ltd.

Copy for Information to :-

1. Asstt Registrar (Sec.VII/GH) Co-operative Societies, Old Court Building, Parliament Street, New Delhi – 110001.
2. Shri Mahipal Singh, (MS No.-211), A-201, Ashadeep CGHS Ltd., Plot 3B, Sector – 2, Dwarka, New Delhi – 110075.