



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)

(A Constitutional body under Article 338A of the Constitution of India)

Case File No. NCST/ATY-714/DL/9/2022-APCR

Dated: 20.12.2022

To,

Shri Sanjay Arora,
Commissioner of Police,
Delhi Police,
Police Headquarters,
Jai Singh Road,
New Delhi – 110 001.
E.mail: cp.sanjayarora@delhipolice.gov.in

Subject: Representation of Ms. Chongpi Misao, D/o Shri Thanglal Misao, South Extn-II, New Delhi regarding insult, abuse, cheating fraud, threat to life and criminal intimidation etc. by Shri Kapil Dev, Ms. Priyanka Arora and Shri Harish Pahwa, New Delhi.

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 28.11.2023 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 15 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,

(एच.आर. मीना / H.R. Meena)

अनुसंधान अधिकारी/ Research Officer
E.mail:hari.rammeena@ncst.nic.in

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Copy to:

Ms. Chongpi Misao
D/o Shri Thanglal Misao,
R/o P-13, South Extn.-II,
New Delhi.
Mo. No. 9811161759.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. NCST/ATY-714/DL/9/2022-APCR

Minutes of Meeting held on 28.11.2023 Chaired By Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes (NCST) in the case of Ms. Chongpi Misao, D/o Shri Thanglal Misao, South Extn-II, New Delhi regarding insult, abuse, cheating fraud, threat to life and criminal intimidation etc. by Shri Kapil Dev, Ms. Priyanka Arora and Shri Harish Pahwa, New Delhi.

Date of Meeting: 28.11.2023

List of participants Annexed.

The Commission received a representation dated 17.10.2022 from Ms. Chongpi Misao that she had made an agreement to sale, dated 01.10.2020 with Shri. Kapil Dev and Shri. Barish Pahwa for sale of a property in South Extension, Delhi and had paid an advance of Rs. 7,00,000/- (Rupees Seven Lakh) to the accused. They had agreed that the entire sale consideration was Rs. 70,00,000/- (Rupees Seventy Lakh) and that the remaining Rs. 63,00,000/- (Rupees Sixty Lakh) will be paid at the time of registration. However, despite repeated reminders and calls, the accused failed to register the property in her name despite her informing the accused that she has the entire sale consideration. On 04.12.2020, the Petitioner having no other choice sent a legal notice to Shri. Kapil Dev and Shri. Harish Pahwa to execute the agreement and register the property in her name. After this, both the accused and Ms. Priyanka Arora, daughter of Shri. Kapil Dev passed derogatory caste-based remarks at her and told her they will never sell the property to her and threatened her that they would implicate her in false cases if she tried to follow up on the matter. They have time and again tried to intimidate her. On 13.10.2022, Ms. Priyanka Arora, the daughter of Shri. Kapil Dev even rashly drove the car towards her in order to intimidate her which is captured in the CCTV footage. It was only during the pendency of the case that she got to know that the property was already sold to Shri. Jitender Kumar on 01.10.2021, despite her paying advance more than a year earlier.

2. The Commission took up this matter with the Commissioner of Police, Delhi Police on 28.10.2022.

3. In response to NCST letter dated 28.10.2022, the Deputy Commissioner of Police (Dy. Comm.), Delhi submitted ATR dated 15.12.2022 stating that the Additional Commissioner of Police, Hauz Khas has filed a case vide FIR No. 460/22 dated 13.12.2022 under Sec 3(1)(r), Sec 3(1)(s), Sec 3(1)(u) of ST&ST (PoA) Act. The investigation is under progress.

4. Two Sittings were held on 16.12.2022 and 22.05.2023 in the Commission. The recommendations of the Sitting held on 16.12.2022 are as under:-

- The safety and security of the petitioner to be ensured with top priority.
- The inquiry and investigation in the said matter to be completed within two months from the registration of the FIR.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

- Immediate arrest of the accused and further legal action to be ensured.
- Interim Report to be submitted to the Commission within 15 days.
- The petitioner shall be ensured contact with the SPUNER(Special Police Unit) for North-Eastern Region, Delhi Police) as a preventive measure against racial discrimination.

The recommendations of Sitting held on 22.05.2023 are as under:

- The Commissioner of Police, Delhi Police to take strict and stringent action against the accused in case of any further attempts to harass or abuse the petitioner.
- The Commissioner of Police, Delhi Police, New Delhi to ensure that Ms. Prinyanka Arora is given strict warning against her action to intimidate and harass the petitioner.
- The Commissioner of Police, Delhi Police, New Delhi to file final charges are framed against Shri Harish Pahwa under the SC&ST (PoA) Act.
- The Commissioner of Police, Delhi Police, New Delhi to ensure that the petitioner is awarded compensation as per the SC&ST (PoA) Act.

5. No ATR has been received from the Delhi Police in compliance of recommendations of the Sitting. In the meanwhile, a representation dated 07.11.2023 has been received from the petitioner.

Hence, the Hon'ble Member has fixed further Meeting on 28.11.2023 with the Commissioner of Police, Delhi.

6. On behalf of the Commissioner of Police, Delhi Police, the DCP, South District appeared before the Commission. The petitioner was also present in the Meeting.

7. The matter was discussed in detail. The petitioner submitted that Ms. Priyanka Arora, Shri Kapil Dev Arora and Shri Harish Chander Pahwa attempted to hit her by car on 25.10.2023. She lodged a complaint on 25.10.2023 at Haus Khas Police Station and the Police came for investigation and they found CCTV footage and the Car number is DL4CAY8230. In this connection, she also alleged that the accused continue passing the derogatory caste based words. But Police did not take any action against the accused.

The DCP, South West submitted that the matter was investigated through ACP, Hauz Khas/SD and reported that

- (i) No complaint of harassment or abuse was received by the complainant after registration of the above mentioned case.
- (ii) The accused persons were warned regarding the legal action in case of threat to the complainant.
- (iii) The investigation in the case was carried out and supplementary chargesheet against the accused (1) Kapil Dev Arora (2) Priyanka Arora and (3) Harish Pahwa under concerned sections of SC/ST (PoA) Act and IPC has been submitted



अनंत नायक/ANANTA NAYAK
सदस्य/Member
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before the Hon'ble Court on 17.11.2023 and the Hon'ble Court has referred the matter to Mediation Centre, Saket and next date of hearing is fixed for 29.11.2023.

(iv) A letter has been moved before the SDM, Hauz Khas regarding grant of compensation to the victim.

8. After hearing, the Commission recommends that:

- Safety, security and protection may be provided to Ms. Chongpi Misao till the matter is finalized.
- One lady constable may be deputed for safety to the petitioner during appearance in Mediation Centre, Saket and other court hearings.
- Legal action may be taken immediately against the accused i.e. (1) Kapil Dev Arora (2) Priyanka Arora and (3) Harish Pahwa under concerned sections of SC/ST (PoA) Act and IPC.
- Explanations of SHO, Hauz Khas may be called for delayed registration of FIR (after 10 days from receipt of complaint from the petitioner).

The action taken/compliance report in the matter should be submitted before the Commission within 15 days.



(ANANTA NAYAK)
MEMBER

National Commission for Scheduled Tribes

अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES
Case File No.- NCST/ATY-714/DL/9/2022-APCR

List of participants

National Commission for Scheduled Tribes

- (1) Shri Ananta Nayak
Hon'ble Member
- (2) Shri K. Touthang
Joint Secretary
- (3) Smt. Miranda Ingudem
Director
- (4) Shri H.R. Meena
Research Officer
- (5) Smt. Amrita Solanki
Sr. Investigator
- (6) Shri Rahul
Investigator

Officers from O/o Commissioner of Police, Delhi Police

- (1) Shri Chandan Chowdhary
DCP, South
- (2) Shri Harish Chander
ACP, Hauz Khas
- (3) Shri Shiv Darshan
SHO, Hauz Khas

Petitioner

Ms. Chongpi Misao