

**CHAPTER 4**  
***Monitoring and grievance  
redressal***



## Chapter 4: Monitoring and grievance redressal

*This chapter covers the efficacy of the monitoring and grievance redressal mechanism set up for the delivery of services. The responsibility for monitoring the implementation of the MRTPS Act was with the Commission. There was shortfall in the inspection of the offices entrusted with the delivery of services and no information regarding offline service delivery was maintained. 57 per cent of the appeal cases filed were pending with the appellate authorities.*

### 4.1 Introduction

The responsibility for monitoring the implementation of the MRTPS Act was with the Commission. The duties of the Commission *inter alia* included taking *suo-motu* notice of failure to deliver public services in accordance with the MRTPS Act and referring such cases for disposal and carrying out inspections of offices entrusted with the delivery of public services. Besides, the Commission was the final appellate authority for redressal of grievances of the citizens relating to rejection of their application or for the delay in delivery of services.

### 4.2 Monitoring

#### 4.2.1 Non-appointment of Commissioner for each revenue division

As per Section 13 (2) of the MRTPS Act, the Commission shall consist of the State Chief Commissioner having jurisdictions for Mumbai City District and Mumbai Suburban District and one Commissioner having jurisdiction for each corresponding Revenue Division in the State.

The State Chief Commissioner for Right to Service was appointed in March 2017 while the Commissioner for Konkan revenue division was belatedly appointed in September 2019 but fell vacant on resignation (April 2021) of the Commissioner. In the remaining five revenue divisions, *namely*, Amravati, Aurangabad, Nagpur, Nasik and Pune, the Commissioners were not appointed.

Thus, though the MRTPS Act was enacted in 2015, the Commissioners who were responsible for monitoring the implementation of the MRTPS Act were not appointed in five revenue divisions while the post of Commissioner in Konkan division was vacant.

The Commission stated (December 2021) that Commissioners for five revenue divisions have been appointed in November 2021.

#### 4.2.2 Shortfall in the inspection of offices

As per Section 16(1) of the MRTPS Act, it was the duty of the Commission to carry out inspection of offices entrusted with the delivery of public services and the offices of the first and second appellate authority to ensure proper implementation of the MRTPS Act.

The Commission directed all the District Collectors (February 2020) and the Chief Executive Officers of Zilla Parishad (December 2020) to conduct inspection of the offices of the designated officers under their control and submit a monthly report. The Commission had also prescribed a proforma for the inspection report to ascertain the status of implementation of the MRTPS Act and the difficulties in the online system.

In the nine test-checked districts, Audit noticed that though inspection of a few offices was conducted in Bhandara, Kolhapur and Thane districts, inspection reports were not received by the Commission from the District Collectors.

Thus, the Commission was not able to ascertain the status of implementation of the MRTPS Act and the difficulties faced by the various offices in the online system due to lack of adequate inspection and non-receipt of inspection reports.

In reply, District Collectors Thane, Pune, and Aurangabad stated (August 2021, December 2021 and January 2022) that the inspection of the offices would be conducted.

During the exit conference, Chief Commissioner stated (July 2022) that necessary action would be taken to conduct inspections.

#### **4.2.3 Lack of system for monitoring offline delivery of public services**

GAD issued (February 2018) directives to all the departments to prepare and consolidate information of offline applications and appeals in the prescribed format and submit the same to GAD and the Commission to monitor the delivery of services in offline mode. For online submission of such information, application software was to be developed by Mahaonline.

Scrutiny of records in the test-checked departments revealed that the information in the prescribed proforma was being sent by the subordinate offices in the district and taluka in manual form to the departments. However, the departments did not consolidate the information received from field offices. Further application software, for the online submission of the information was also not developed by Mahaonline till August 2021.

Thus, due to the non-availability of information of offline applications received and their disposal, GAD and the Commission, were not aware of the pendency of applications received in offline mode for monitoring.

The Commission stated (August 2021) that the development of software for online submission of information was in progress.

During the exit conference, the Additional Chief Secretary stated (July 2022) that offline services are a problematic area and a challenge.

### **4.3 Grievances redressal**

#### **4.3.1 Significant pendency of appeal cases**

As mentioned in **paragraph 3.3.2**, in the case of either rejection of application for services or delay in providing public services, the applicant has the right to file an appeal before the first and the second appellate authority. The first and the second appellate authorities were required to decide the appeal within 30 and 45 days respectively from the receipt of the appeal.

Audit noticed that 55 per cent and 78 per cent appeals were pending with the first and second appellate authorities respectively as shown in **Appendix 4.1**. The overall percentage of appeal cases pending with the appellate authority was 57 per cent as of November 2021. The district-wise pendency of appeals is shown in **Appendix 4.2**. In 20 out of 36 districts in the State, the pendency of the first appeal was more than 50 per cent and the overall pendency ranged between 24 per cent (Mumbai City) and 99 per cent (Nandurbar, Ratnagiri and Sindhudurg). While the pendency of the second appeal was more than 50 per cent in all 36 districts, which ranged between 53 per cent (Mumbai city) and 100 per cent (Amravati, Jalna, Nandurbar, Sindhudurg and Washim).

Audit further, noticed that during the review meeting conducted by the Commissioner, the District Collectors stated that the disposal could not be shown in the online system after the end of the stipulated time limit for disposal of the appeal, hence there was pendency. The response of the District Collectors indicated the failure of the appellate authorities to decide the appeals within the stipulated time limit.

During the exit conference, the Chief Commissioner stated (July 2022) that the system gets locked once the timeline of appeal expired and the same would be unlocked to clear the pendency.

***Recommendation 9: Government should ensure that the appeals are disposed of by the appellate authorities within the stipulated time limit and repeated defaulters identified for appropriate administrative action.***

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