

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
Old JNU Campus, New Delhi - 110067.
Tel: +91-11-26161796

Decision No.CIC/SG/A/2009/003249/6675
Appeal No. CIC/SG/A/2009/003249

Appellant : Mr. Ranbir Singh Solanki,
D-30, solanki market Madhuvihar,
Sec.-3, Dwarka,
New Delhi - 110075

Respondent : Mr. A.D.Biswas
Public Information Officer, &
Sr. Town Planner
Municipal Corporation of Delhi,
Nigam Bhawan, Kashmere Gate,
New Delhi-110006

RTI application filed on : 10/08/2009 (Transferred on 25/09/2009)
PIO replied : 15/09/2009
First Appeal filed on : 14/10/2009
First Appellate Authority order : Not mentioned
Second Appeal filed on : 23/12/2009
Notice of Hearing Sent on : 04/01/2010
Hearing Held on : 03/02/2010

	Information sought	PIO's reply
1)	Palam Ext. (Harigan Basti) is authorized colony, is it?	Not covered under jurisdiction.
2)	In this area making residential house is prohibited, is it? If yes, give the copy of such law.	Not covered under jurisdiction.
3)	Is plan of residential office is need to be sanction? If yes give name address & telephone no of concern officer.	Not covered under jurisdiction.
4)	How many floors are permitted? Is there any provision to make basement? If yes under which provision?	Not covered under jurisdiction.
5)	Which sub-rules are applicable to Bhavan?	Related to HQ of Bhavan department
6)	Till now How many Bhavan plans are sanction? Give there flat no.	No plan is sanction from Regional office of Najafgarh. Now such application is made.
7)	Till now How many Bhavan's are sanction? Give details of address & designation of the concern officer.	As above.

Grounds for First Appeal:

The information provided by PIO is unsatisfactory.

Order of the First Appellate Authority:

No order

Grounds for Second Appeal:

PIO provides incomplete & unsatisfactory information.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Ranbir Singh Solanki;

Respondent: Mr. A.D.Biswas, Public Information Officer, & Sr. Town Planner (Kashmere Gate);
Mr. K.P.Singh, PIO & SE, MCD, Nazafgarh Zone;

The First Appellate Authority Mr S.K. Jain is guilty of dereliction of duty since he had not passed any order in the matter.

The RTI application was received on 10/08/2009 but a complete irrelevant and irresponsible reply was given on 14/09/2009 not giving information on most of the points. Without any thought the application was transferred by Mr. M.S.Yadav, the then Executive Engineer(Najazfgarh Zone) to the PIO of Building (H.Q.) Mr. R.K.Sharma. Without applying his mind Mr. R.K.Sharma transferred this to the PIO (Town Planning Department). PIO (Town Planning Department) replied to query-1 on 16/10/2009 and to prove that the world is round send the application back to PIO Assistant Commissioner (Najafgarh Zone) Mr. K.C.Bhardwaj for replies to query 2 to 7. According to the respondents present no body knows what happened to this. When the appellant filed the first appeal on 14/10/2009 the then First Appellate Authority Mr. S.K. Jain appears to have decided to settle the matter like a village panchayat and the respondent claims that verbal instructions issued to give the information on a date which is not known. Consequent to this the information was sent to the Appellant on 21/01/2010.

The Appellant admits that he has received all the information. The persons responsible for the delay are Mr. M.S.Yadav the then EE.

Decision:

The appeal is allowed.

The information appears to have been provided.

The First Appellate Authority Mr S.K. Jain is directed to send his explanation why he did not do his duty and give an explanation to the Commission for his dereliction of duty before 25 February 2010.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act.

It appears that the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on **09 March 2010 at 3.30pm** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant. If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
03 February 2010

(In any correspondence on this decision, mention the complete decision number.)

(SR)

CC:

To Mr. M.S.Yadav the then EE through Mr. K.P.Singh, PIO & SE, MCD, Nazafgarh Zone