

**CENTRAL INFORMATION COMMISSION****Club Building, Opposite Ber Sarai Market,****Old JNU Campus, New Delhi - 110067.****Tel: +91-11-26161796****Decision No.CIC/SG/A/2009/003214/6689****Appeal No. CIC/SG/A/2009/003214****Appellant**

: Mr. M. P. Kediya,  
Flat no-201 Bloch-C,  
Millennium Apartment,  
Sector-18, Rohini,  
New Delhi - 110089

**Respondent**

: Mr. S.C. Yadav  
Public Information Officer &  
Joint Assessor and Collector ,  
**Rohini Zone, MCD,**  
Assessment & Collection Department  
Rohini Zone, sector-XVII  
New Delhi.

**RTI application filed on** : 01/07/2009  
**PIO replied** : 07/08/2009  
**First Appeal filed on** : 01/09/2009  
**First Appellate Authority order** : 13/10/2009  
**Second Appeal filed on** : 22/12/2009  
**Notice of Hearing Sent on** : 05/01/2010  
**Hearing Held on** : 04/02/2010

<b>Sl.</b>	<b>Information sought</b>	<b>PIO's reply</b>
<b>a)</b>	Is any flat in block-C, sector 18 (MIG) was assessed & settled under UAM 2003 for which property tax was pending since as early as 1999	Yes
<b>b)</b>	If yes, what was the tax amount assessed & collected by MCD for DDA MIG flat for year 2002-03 & 2003-04 under unit area method?	Details are available & can be obtained after paying requisite charge
<b>c)</b>	When the above scheme was closed, give the copy of office order.	A copy of the order is available & can be obtain after paying requisite charge
<b>d)</b>	When the last property was assessed under unit area method for tax liability before 01.04.2004?	No such record maintain, hence not available
<b>e)</b>	Was the amnesty scheme given any publicity at its launch & it's closer, otherwise it appears that it was a scheme to give benefit for a section of people those were in hand to glove with MCD officials	This was not a scheme but was only clarification which needed no publicity
<b>f)</b>	Is Assistant assessor & collector has arbitrary power to harass the tax payer or it is just to negotiate tax payers for a favour.	Notices were issued on estimated R.V.s. when the cases are decided on merits on the basis of documents made available by the tax payers, actual R.V. are works out to less than the estimated R.V.
<b>g)</b>	Specify the property tax liability for MIG flat in block-C under UAM & retable method for the year 2003-04 respectively	Can not be given as necessary details of MIG flats such as covered area use, age factor are not given
<b>h)</b>	Whether any flat for which the property tax assessment prior to commencement of DMC act was pending in court was mutually settled? Is it true that MCD did not assess the self assessment of property in similar manner? Is the condition from assessment orders from the authority not in contravention of the very purpose?	No court case is pending. However it is clarified that prior to 31/03/2004 no self assessment was in vogue & whosoever has paid the tax on self assessment basis has done so at own level. However the amount so paid can be adjusted.
<b>i)</b>	Is MCD directed the banks to cease bank account of some of the property holder?	No, however, the bank accounts are attached to recover the arrears of tax.
<b>j)</b>	Is MCD has knowledge of the return? Give copy of all documents filed along with the property tax returns of the	CSB was authorized by MCD to receive PTRs with tax amount & receipt itself

	year 2004-05, w.r.t. flat 201, Block-C	is acknowledgment
k)	Give the copy of the property tax return along with all enclosures, on which basis house tax was received by MCD.	Copy is available.
l)	Did MCD accept appellants self assessment? If not what action was taken by the corporation on that return did corporation inform appellant to obtain the order of competent authority. Did MCD notified such requirement else where?	The self assessment scheme was not in vogue prior to 31/03/2004, it came in existence from 01/04/2004. Notice was issued in this regard.

**Order of the First Appellate Authority:**

PIO was directed to furnish the specific information within 15 days

**Grounds for Second Appeal:**

The documents are shown available but PIO was not handed over them.

**Relevant Facts emerging during Hearing:**

The following were present:

**Appellant:** Mr. M. P. Kediya;

**Respondent:** Mr. S.C. Yadav, Public Information Officer & Joint Assessor and Collector;

The Appellant in query-k had sought the copy of the property tax return along with all enclosures, on the basis of which house tax was received by MCD. The PIO had replied on 07/08/2009 that the copy is available and asked the appellant to deposited Rs. 12/- for 6 pages. Subsequently the Appellant paid the money and received 6 pages but the copy of the property return was not attached. After the order of the FAA the copy of the property tax was attached but the appellant alleges that one important covering letter has not been provided to him. The PIO has brought the file but the appellant alleges that the covering note has been taken away from the file. The Commission is not in a position to ascertain whether this allegation is true or not but there is no explanation of why the property tax return was not provided initially since the query was very clear and the PIO had admitted that the copy of return was available. The PIO states that the person responsible for this was the then PIO Mr. S. C. Sharma Joint Assessor and Collector and Mr. Kanahiya Lal, Assistant Assessor and Collector.

**Decision:**

The appeal is allowed.

**The issue before the Commission is of not supplying the complete, required information by the then PIO Mr. S. C. Sharma Joint Assessor and Collector and deemed PIO Mr. Kanahiya Lal, Assistant Assessor and Collector within 30 days as required by the law.**

From the facts before the Commission it is apparent that the deemed PIOs are 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 deemed PIOs actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to them, and they are directed give their reasons to the Commission to show cause why penalty should not be levied on them.

Mr. S. C. Sharma and Mr. Kanahiya Lal will present themselves before the Commission at the above address on **11 March 2010 at 10.30am** alongwith their written submissions showing cause why penalty should not be imposed on them as mandated under Section 20 (1). They 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**  
**04 February 2010**

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

(SR)

**CC:**

**To,**

The then PIO Mr. S. C. Sharma Joint Assessor and Collector and Mr. Kanahiya Lal, Assistant Assessor and Collector through Mr.S.C. Yadav, Public Information Officer & Joint Assessor and Collector.