

## **CENTRAL INFORMATION COMMISSION**

Application No CIC/WB/A/2006/00001

Dated: 11/1/06

Right to Information Act – Section 18

Name of Appellant: Shri Pratap Singh Gandas

Name of Public Authority: DERC

Facts:

Shri Pratap Singh Gandas, appellant applied on 31/10/05 to DDA Vikas Sadan PIO SP Padhy, for information on action taken reports/status on a list of 520 complaints. On receiving no response within thirty days, the applicant appealed to appellate authority RK Vats Commissioner (LM) DDA. He appealed to this Commission for punishment to PIO Padhy under Sec 20 of the Act. The respondent has in his comments stated that the delay in providing the information arose from a delay in receiving a reply from the legal branch of the DDA whose advice was required on the basis of a circular regarding the applicant from the Pr Secretary (Home), Govt. of Delhi. The appellate authority has given a decision dismissing the appeal on 25/1/06 dismissing the appeal filed on 7/12/06.

PIO Padhy assisted by others from DDA was present on 17/3/06. Appellant was not present. The file has been examined. The response given to the applicant on 7/12/06, the very day that he filed his first appeal was that the DDA had initiated appropriate action, which was at different stages on the applicant's complaints. PIO Padhy also advised applicant to contact 'other departments' for 'remaining' issues. The appellate authority dismissed the appeal on the grounds that the delay was justified 'in view of inter office communications'.

### DECISION

The action of the PIO in delaying a response was misplaced. The circular of Home Secretary regarding ignoring the 'complaints' of the applicant or institution

of criminal proceedings against him had no bearing on providing information sought. The decision is also vague in that it does not mention what is meant by 'appropriate action' or which 'other departments' the applicant was required to approach. If there were any such, this should have been disposed of under Sec 6(3) of the Act. It seems that the decisions dictated by a feeling that the complaints should first be resolved and then information given, which accounts for the dismissal of the first appeal. This is laudable but also unjustified. Under the law recourse to which the applicant has taken, it is incumbent on the public authority to provide such information as it commands, not anticipate information that will become available in the future. In the present case, it was only the current status of action on the complaints that had been sought. The RTI Act cannot be confused with an instrument for grievance redress albeit the information obtained through it can be so used with telling effect. The PIO will therefore provide the information sought to the applicant for each of the 520 complaints within fifteen days.

Let a copy of this decision be sent free of cost to the parties.

(Padma Balasubramanian)  
Information Commissioner

(Wajahat Habibullah)  
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission:

(P. K. Gera)  
Registrar  
17/3/06