

CENTRAL INFORMATION COMMISSION

Application No CIC/WB/A/2006/00016-30

Dated: 31/3/06

Right to Information Act – Sections 19/18

Name of Appellant: Shri Rajendra Prasad Jain

Name of Public Authority: NDMC

Facts:

Sh RP Jain of Palika Bazaar Extension applied on 12/11/05 to Chief Architect and PIO and Chief Architect (Architecture & Environs) NDMC for information regarding features and processes in providing building permission of various structures located in the jurisdiction of NDMC. The applicant found the PIO's reply given on 28/12/06 incomplete and evasive. He therefore filed an appeal on 3/12/06 before the Appellate authority, Secretary, NDMC. The appellant's complaint is that the appellate authority repeatedly postponed hearings and was finally rude and offensive, hence precipitating the appeal.

Appellant Jain present together with PIO Sengupta and Appellate Authority Keshav Chandra. Appellate Authority has submitted his response to the appeal on 28/3/06, a copy of which is with the appellant. His case is that he was always ready to hear the appellant but that the case required to be postponed once because of his preoccupation and once on the appellant's request. The appellant contested the latter. However AA averred that the time limit for the appeal had still not run out when the appellant resorted to a 2nd Appeal before the Commission. He stated that he was prepared to hold a hearing and provide any information asked for within the law. However, he did caution that the appellant was using the law to divert attention from his own illegal activities for which he was liable to criminal action. To this the appellant responded that because of the humiliation to which Secretary Chandra had subjected him, he was not prepared to appear before him for a hearing.

DECISION

The file has been examined and the parties heard. Since this was not an appeal against any final decision taken by the NDMC, we have treated it as a complaint u/s 18 (1) (e) & (f). We find this to be a case of clash of personalities, with the appellant accusing the Appellate Authority of using abusive language and humiliating behavior and the AA in turn accusing the appellant of action verging on the criminal and breach of trust with the NDMC. Since this is therefore a matter that cannot be resolved by inquiry under Sec 18 (2), NDMC is directed to provide the information requested in the form asked for by the appellant latest by April 20, 2006, without insisting on the personal appearance of the appellant before him. A copy of these orders be submitted to the Commission for its record in addition to that given to the appellant. It shall be open to the appellant to appeal the final orders of the Appellate Authority if required, before the Commission after that date

Notice of this decision be given 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

31/3/06