

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2006/00302 dated 8/5/06

Right to Information Act 2005 – Section 19

Appellant: Shri Rakesh Agarwal

Respondent: Deputy Commissioner (Shahdara South Zone), MCD

Facts:

Appellant Shri Rakesh Agarwal of Patparganj, Delhi moved three applications with MCD dated 7.2.06 and 9.3.06. Finding response from the PIO incomplete and in one case (Identification with MCD ID no 30) not having received a response at all, Shri Rakesh Agarwal made his first appeal with the Addl. Commissioner, HQ, MCD on 13.3.06. This appeal was heard on 20.4.06 and orders issued on 21.4.06. The following were the orders given by the Appellate Authority Shri Raj Mohan Singh, Addl. Commissioner, HQ:

1. In case bearing ID No. 29, Executive Engineer will make sure that complete information as has been demanded if not provided would be provided to the appellant within 5 days.
2. In case of ID No. 30 information was stated by the PIO to have been provided on 10.3.06. However, the Appellate Authority directed that copies of information be sent again to the applicant.
3. It was stated that the details of civil work undertaken by MCD in IP Extension area have been provided to the applicant on 20.3.06. Appellate Authority desired that in case appellant needs further clarification on any of the points, he may contact Executive Engineer, Division-II.

In conclusion the Appellate Authority has held as follows:

“ Executive Engineer, Divn. XI is instructed to clarify doubts, if any raised by Shri Agarwal. He may also transfer the application, if any part of the same is to be provided by any other public authority immediately.

Since the applicant was not present during the hearing he lost the opportunity of being heard in person.”

In response to the appeal notice, PIO Shri J.P.Agarwal, DC (Shahdara South Zone) has indicated in his letter of 11.9.'06 that the deficient information will be supplied within fifteen days to one month. He has pleaded that the delay in supply of information by the PIO and passing the orders by the Appellate Authority was not intentional. He also questioned the requirement of the appellant in asking for such information.

DECISION NOTICE

We have examined the file and find that information sought has not been fully supplied as admitted in the response of PIO Shri J.P.Agarwal to the appeal notice. Since the Act is clear that the reasons for requesting information cannot be sought from an applicant, the comments in the closing sentences of the PIO in his response to the appeal notice implying motives for his request are misplaced and taken to have been excluded from consideration by us.

On the other hand, now that the public authority, the MCD has through its PIO, supported by all respondents in the hearing, has committed to providing full information sought, the public authority may do so within the time spans mentioned. However, PIO will identify all those PIOs and others who were responsible for collating the information from the time that the application was made, so as to supply this to the applicant, and ask them to Show Cause by the conclusion of the date accepted in his letter of 11.9.'06 by the PIO for providing the information to the appellant Shri Rakesh Agarwal i.e. one month from the date of the issue of this order, as to why a penalty u/s 20(1) should not be imposed on

them for having delayed supply of this information beyond the specified time limits specified in sec. 7(1).

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

(Wajahat Habibullah)
Chief Information Commissioner
14.9.2006

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.

(L.C.Singhi)
Addl. Registrar
14.9.2006