

**CENTRAL INFORMATION COMMISSION**  
Appeal No. CIC/WB/A/2006/00271 & 281 dated 30/5/'06 & 29/5/'06  
Right to Information Act 2005 – Section 19

Appellant: Shri Ramesh Bhandoola

Respondent: L&DO, MoUD

**Facts:**

Shri Ramesh Bhandoola of Sovereign Departmental Stores applied on 13.3.06 requesting inspection of the files relating to Sovereign Departmental Stores, Diplomatic Enclave, and asking for the following information:

1. Is it correct that the legal heir of Late Shri K.L.Bhandoola, Proprietor, Sovereign Departmental Stores, Diplomatic Enclave, New Delhi filed Civil Writ Petition No. 2543 of 1991 before the Hon'ble High Court of Delhi.
2. Is it correct that vide orders dated 14.11.1991 the Hon'ble High Court had ordered stay of further proceedings by the Estate Officer and also directed the legal heir of Late Shri K.L.Bhandoola to pay a sum of Rs. 10,16,218.00 to the L&DO within two months.
3. Is it correct that the said amount of Rs. 10,16,218.00 has been paid by the legal heir of Late Shri K.L.Bhandoola to the L&DO in two monthly installments of Rs. 5,00,000/- and Rs. 5,16,218/- respectively, within the stipulated period of two months.
4. Is it correct that original receipts for payment of the above said amount of Rs. 10,16,218.00 have not been given to the applicant.  
If No, date when these receipts were given and to whom.  
If yes, the original receipts may be given to the applicant now.
5. Is it correct that the L&DO had asked the tenants of Sovereign Departmental Stores to pay the rent directly to L&DO and the tenants were paying rent directly to L&DO up to 23.04.1984. Details of rent received by L&DO may be provided to the applicant, tenant wise.

With regard to the inspection of files the response of Shri Jamna Dass, CPIO in a letter of 29.3.06 was that the department has initiated eviction proceedings against what the Department states are unauthorized occupants of Sovereign Departmental Store under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971. This case involved recovery of Govt. dues

from the unauthorized occupants and CPIO was, therefore, of the view that the disclosure of the information will prejudicially affect the economic interests of the Department. As regards information concerning tenants of Sovereign Departmental Stores, CPIO Shri Jamna Dass quoted sec. 8(1)(f) of the RTI Act as relating to personal information which he, therefore, disallowed.

Applicant Shri Ramesh Bhandoola went in appeal before Shri A. Madhukumar Reddy, L&DO and Appellate Authority on 7.4.06. After asking for further information from the appellant Shri Bhandoola, vide his letter of 5.5.06, to which he received he received a reply dated 8/5/06, Appellate Authority Shri Madhukumar Reddy sent two replies dated 18.5.06 and 22.5.06, upholding the decision of CPIO disallowing inspection of the files u/s 8(1)(a) and (1)(j) of the RTI Act in one case. However, in the second matter, Appellate Authority Shri Madhukumar Reddy provided to the appellant a copy of the receipt sent to Shri Vijay Bhandoola regarding payment made by him, but declining to make the receipt in favour of "all legal heirs" which was in fact the subject of the dispute leading to initiation of eviction proceedings. Appellate Authority further asked for names and details of tenants who had made payment to the L&DO to examine the request further. Appellant Shri Ramesh Bhandoola has appealed against both decisions before this Commission dated 24.5.06.

The appeal was heard on 14.9.06. The following are present:

1. Shri Ramesh Bhandoola
2. Shri Rakesh Kumar
3. Shri C.K.Basu
4. Shri S.Das

Appellant argued that although the Department had indeed initiated eviction proceedings against him, these have been stayed by order of the Hon'ble High Court in connection with a Writ Petition filed by the appellant Shri Ramesh Bhandoola before that Court. He also emphasized that Sec. 8(1)(f) could not apply because there was no question of any type of any information received from any foreign Govt. Respondent on the other hand argued that as per decision of the Appellate Authority the exclusion clause cited is 8(1)(j) and not 8(1)(f). Shri Rakesh

Kumar, Appellate Authority has also stated that the information sought by his predecessor in his letter of 28.3.05 regarding the names and details of the tenants in letter both of 5.5.06 and 22.5.06 has not been forthcoming resulting in inability to provide the information sought at point 5 of the information sought by the appellant from the CPIO.

### **DECISION NOTICE**

We have before us two cases : (1) Allowing inspection of the file concerning properties claimed by the appellant and disputed by MCD and (2) Providing information regarding Writ Petition filed in the Hon'ble High Court of Delhi by appellant Shri Ramesh Bhandoola. Although some of the information regarding (2) has been provided specifically in answer to points 3 & 4 of the information sought in F.No. CIC/WB/A/2006/00281, the Appellate Authority Shri Madhukumar Reddy, L&DO, Ministry of Urban Development has held that permission for inspection of the files cannot be provided u/s 8(1)(a) & 8(1)(j).

In the present case, section 8(1)(j) cannot be applied, since this refers specifically to invasion of privacy. Here the information sought concerns the applicant himself and, therefore, cannot be construed as such invasion. However, since the Sovereign Departmental Stores of which appellant Shri Ramesh Bhandoola is proprietor is itself under proceedings for eviction, the protection of sec. 8(1)(h) will apply since the file in the matter is obviously the instrument for pursuing prosecution of an alleged offender i.e. encroacher of Govt. property. The proceedings, even if stayed are still pending and cannot therefore be seen as closed.

The only question that now remains, therefore, is response to issue No. 5 raised by the appellant, " Is it correct that the L&DO had asked the tenants of Sovereign Departmental Stores to pay the rent directly to L&DO and the tenants were paying rent directly to L&DO up to 23.04.1984. Details of rent, received by L&DO may be provided to the applicant, tenant wise." This part of the application for

information has two sections (1) information of directions of the respondents to the tenants of the Sovereign Departmental Stores and (2) details of rent received from those tenants. There can be no argument against providing the information asked at part (1). Regarding part (2) appellant has argued before us that it is acknowledged that the tenants are indeed his tenants, whereas respondent has cited the request of the Appellate Authority dated 22.5.06 to the appellant to provide him the names and details of the tenants who have made payment to the L&DO so that his request could be examined further. Since the L&DO has no knowledge of tenants of Sovereign Departmental Store, the appellant Shri Bhandoola will provide the Department with a complete list of names and details of such tenants and respondent CPIO Shri Madhukumar Reddy will supply the information regarding payments received from them.

**Since as held the matter is still under prosecution by the Estate Office, CPIO's orders regarding inspection of the files will be protected u/s 8(1) (h).**

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

(Wajahat Habibullah)  
Chief Information Commissioner  
15.9.2006

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  
15.9.2006