

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2006/00342 dated 5/5/06

Right to Information Act 2005 – Section 19

Appellant: Shri Jai Kumar Jain

Respondent: Delhi Development Authority

Facts:

Applicant Shri Jai Kumar Jain, Joint Secretary, DDA Market Association, Rohini, Delhi made an application on 16.2.06 to PIO Shri Pankaj Kumar, Jt. Director (Lands), DDA seeking the following information:

1. Photocopy of page Nos. 10 to 29 and from page No. 56 to date of File No. F-93(234)2000/CE
2. Is there any difference between Built up property and property constructed on plot purchased from DDA. If so what and why.
3. How many shops are lying vacant in each of scheduled caste and unreserved category in CSC No. 2, Sector 2, Rohini. Why allotment of vacant shops for scheduled castes is not being made or tender issued.
4. For how many years tender for shops meant for scheduled caste in CSC No 2 Sector No. 2 has not been issued.
5. In how much time the dispute in property Dep't. of DDA is settled by the DDA. If not settled, then what action is taken by DDA.
6. DDA is supposed to issue reply in respect of property cases within 15 days. But some officers of various Depts. do not reply in time. In such cases whether any action is to be taken by Senior Officers or not.

On not receiving any response, applicant made an appeal on 16.3.06 to the Appellate Authority and on still not receiving a response he has appealed before this Commission.

The matter was heard on 15.9.06. The following are present:-

1. Shri Jai Kumar Jain
2. Shri Yash Pal Garg, Dir (CL)
3. Shri Bharat Mehta, Dy. Dir. (CE)
4. Shri Pankaj Kumar, Dy. Dir. (CL)

DECISION NOTICE

It stands established that the information sought vide application of 16.2.06 has been agreed to be provided by the Commercial Lands Department of DDA only on Sept. 7, 2006. The issues, therefore, are two:- (1) Fixing of a specific time schedule for allowing appellant Shri Jai Kumar Jain to inspect the files and take photocopies of the required notings, and (2) whether penalty will lie u/s 20(1) of failure to supply the information for the above period.

In regard to (1) above, Shri Yash Pal Garg, Director, Commercial Lands and PIO has agreed to dispatch photo copies of the concerned file notings by speed post to appellant Shri Jai Kumar Jain at his postal address: Shop No. 3, CSC No. 2, Sector-2, Rohini, New Delhi on 18.9.2006. Photocopy of the dispatch receipt will be submitted to this Commission on that date for inclusion in the record.

Regarding (2) above, it seems that Shri Bharat Mehta, Dy Director (C.E.) had in fact responded to the application indicating that the required information could not be supplied under clause 8(1)(j) and 2.2 of the RTI Act. Both grounds are fallacious and would not have stood the first appeal. As discussed above, appellant Shri Jai Kumar Jain states that he had in fact filed the first appeal on 16.3.06, a copy of which was also submitted vide his second appeal. However, the date entered in the copy of our files is 16.2.06, which is obviously not possible since the original application was made on that date. It is this copy of our record, which was sent in the appeal notice to the PIO, who, therefore, has been unable to respond as to what became of the appeal.

Now that PIO Shri Yash Pal Garg has agreed to provide the information sought by appellant Shri Jai Kumar Jain and appellant has in fact already filed first appeal to which there has been no response for reasons not known, no purpose will be served by directing Shri Jai Kumar Jain to again file first appeal. PIO Shri Yash Pal Garg is instead directed to enquire into what became of the first appeal, and if received, what action was taken thereon, within 15 working days of the

issue of this order, and if received, fixing responsibility for the appeal not having been entertained.

From the above case, it is clear that there has been confusion both in receipt and dispatch of correspondence concerning RTI on the part of the Commercial Land Branch of DDA. It is admitted that in the early stages there was some confusion in the handling of applications received under the new Act. The situation has improved over the past months but Commercial Land Branch is cautioned to ensure that in future no such confusion, as demonstrated in this case, reoccurs. Because of this, it is not possible for us to identify the person specifically responsible for the delay in providing information on the application by Shri Jai Kumar Jain with the Department having been convinced that they have supplied the information asked for vide their letter dated 13.3.06 while appellant convinced that his application or his appeal has been ignored.

The matter is disposed of accordingly.

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

(Wajahat Habibullah)
Chief Information Commissioner
22.9.2006

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
22.9.2006