

CENTRAL INFORMATION COMMISSION
Appeal No. CIC/WB/A/2006/00299 dated 12/05/06
Right to Information Act 2005 – Section 19

Appellant: Shri G.B.Singh,
Respondent: D.D.A.

Facts:

Shri G.B. Singh, Coordinator of the Coordination Committee Forum of Sukh Vihar, Gagan Vihar and Mausam Vihar had vide two applications dated 10-1-2006 allotted ID Nos. 133 and 134 by the DDA, applied to PIOs Shri B.S. Jaglan, OSD (RL) and Shri S.P. Padhi, Director (LM) seeking the following information:

- i) Copy of order of allotment of the land acquired vide Award No.22/70-71 & notification etc. as has been submitted by DDA in their counter affidavit on behalf of the respondent No.2- DDA in the Hon'ble High Court of New Delhi in W.P. © No. 6671 of 2004 verified on 21-4-2005 along with the details when the same was handed over to MCD as has been claimed under Para 12 of the said affidavit;
- ii) Copy of the required review of the affidavit which was submitted in the Hon'ble High Court of Delhi, suggested by Chief Engineer (EE) vide letter No.CE.30 (228) FO/EZ/05, dated 3-1-06.

Regarding (i) above the matter was transferred by PIO Mr. B.S. Jaglan to PIO Mr. S.P. Padhi through a letter of 31/1/06. Regarding (ii) above PIO Mr. Padhi first referred the matter to OSD (RL) who referred it back to him vide OSD Mr. Jaglan's letter cited above upon which Mr. Padhi referred the matter to one Mr. Ram Naresh Sharma, President, Vikas Samiti, Radhey Sham Park, u/s 11 of the RTI Act which concerns a third party. On not receiving the information sought applicant Shri G.B. Singh filed his first appeal to the appellate authority Shri R.K. Vats, Commissioner (LM) DDA on 27-2-2006. To this, he received a response from Shri R.K. Singh,

Commissioner (LD) on March 2, 2006 whereby Shri S.P. Padhi, Director (LM) was directed to make information relating to the Award No.22/70-71 etc. available to the appellant urgently and in any case within a period of 2 weeks from the date of appellate authority's order. In compliance Shri Padhi PIO has in a letter of March 8, 2006 written to the appellant Shri G.B. Singh detailing further action to be taken. Not satisfied with this response Appellant Shri GB Singh has moved his second appeal before us.

The matter was heard on 22-9-2006. The following were present:

Appellant:

- i) Shri G.B. Singh
- ii) Shri J.P. Mangalik
- iii) Shri B.K. Mehta

Respondents:

- i) Shri A.K. Jain, Commissioner (Plg) DDA
- ii) Shri S.P. Pathak, Director (Plg) DDA
- iii) Shri B.S. Jaglan, OSD (RL)/PIO
- iv) Shri K.S. Budgujar, Dy. Director (LM)/PIO

DECISION NOTICE

Vide his directions of March 2, 2006, Shri R.K.Singh, Commissioner (LD) and Appellate Authority has specifically ordered that the required information will be made available by Shri S.P.Padhi Director (LM) to the appellant urgently and in any case within a period of two weeks from the date of his order. In response CPIO Shri Padhi has in his letter to the appellant Shri G.B.Singh, indicated that the photocopy of the award was ready and would be given to the appellant on payment of requisite fee. On the question of review of affidavit, however, there is a lengthy discussion concluding with an invitation to the appellant Shri G.B.Singh to visit CPIO's office. Shri G.B.Singh has also visited the office of CPIO on 13.3.06 when photo copy of the award was shown to him but he has stated in the hearing that it was not the authenticated photo copy of the papers presented before the Hon'ble High Court in WP (Civil) No. 6671/2004 verified on 21.4.05 which was specifically asked for in his application of 10.1.06 to Shri Jaglan, OSD.

However, in answers to question by this Commission, Shri K.S. Budgjar, present CPIO concerned has admitted that a review of the affidavit that was submitted in the Hon'ble High Court of Delhi, as submitted by Chief Engineer has not so far been initiated. Hence this information could not be provided.

We find the manner of processing of this application by DDA, public authority is highly unsatisfactory. The information sought is straightforward and applicant Shri GB Singh need not have been made to run around as seems to have happened. DDA is, therefore, directed as follows: -

1. A copy of the allotment order referred to in the affidavit submitted before the Hon'ble High Court on the land in question, acquired by award No. 22/70-71 may be supplied to appellant Shri G.B.Singh within 15 working days of the date of issue of this Decision Notice.

2. It has been clarified that no review of the affidavit has yet taken place and, therefore, it will not be possible to supply any copy of any review. However, appellant Shri G.B.Singh should have been informed that no review has in fact taken place and that he would be provided with the copy of such review, if any was undertaken. Since this information has now been provided during the hearing, this issue is now closed.

The appeal 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