

**CENTRAL INFORMATION COMMISSION**  
**Club Building, Opposite Ber Sarai Market,**  
**Old JNU Campus, New Delhi - 110067.**  
**Tel: +91-11-26161796**

**Decision No. CIC/SG/A/2009/003226/6680**  
**Appeal No. CIC/SG/A/2009/003226**

**Appellant** : Mr. S.Chandra,  
Room no.417,  
A-Wing, Krishi Bhawan  
New Delhi-110001

**Respondent** : **1. Mr. Harminder Singh**  
APIO & EE (HQ)  
**Municipal Corporation of Delhi**  
Town Hall Chandani Chowk,  
Delhi-110006

**2. Mr. Pushkar Sharma**  
PIO/SE-II,  
Shah South Zone,  
**Municipal Corporation of Delhi**  
Kakardooma Court, New Delhi

**3. Dr. Hazarika**  
APIO/ DHO,  
**Municipal Corporation of Delhi**  
Cental Zone, Lajpat Nagar, New Delhi

**4. Dr. Ajay Handa**  
PIO/Dy. Health Officer,  
Shah, North Zone, MCD  
Keshav Chowk, Shahdara, Delhi

**5- Mr. Pradeep Khandelwal**  
PIO/SE-I,  
South Zone, MCD  
Green Park, New Delhi

**RTI application filed on** : 22/06/2009  
**PIO replied** : 17/02/2009  
**First Appeal filed on** : Not enclosed  
**First Appellate Authority order** : 17/09/2009  
**Second Appeal Received on** : 19/12/2009  
**Notice of Hearing Sent on** : 04/01/2010  
**Hearing Held on** : 03/02/2010

**Information sought:**

1. Whether the MCD has fixed norms for allowing operation of Banquet halls in the areas falling within the municipal limits of Delhi? If so the same may be indicated. If the norms have not been fixed kindly intimate the time the norms are likely to be finalized.

2. Whether MCD has permitted for operation of Banquet Halls in residential areas? If yes, the conditions governing such authorization may be intimated.
3. Whether any license is issued to owners of Banquet halls for operation of that? If so, please intimate the authority which issues the licenses and conditions on which license is issued?
4. List of Banquet halls which have been granted permission by MCD to operate within the Municipal limits.
5. How many Banquets halls are operating in the Residential areas in Municipal limits of Delhi?
6. How many Banquets halls are operating in the Residential areas in Municipal limits of Delhi without permission of MCD and what action has been taken against the owners of those Banquet Halls during past one year?
7. How many Banquets halls are operating in Shahdra South Distt? Please give the list of those ones.
8. What preventive steps have been taken by concerned district authority to check operation of such unauthorized Banquet Halls in past one year?
9. What preventive action has been taken by concerned Dist. Authority to check operation of such unauthorized Banquet halls in past one year? MCD is requested to indicate no. of Banquet halls located in residential areas on roads having width less than 60 feet in Shahdra South Distt and are in operation in violation of judgments of various court orders. What action has been taken against the owners of those Banquet Halls who are violating court orders during past one year?
10. MCD Commissioner is requested to intimate the direction issued to the zonal officer (Shahdra South Zone) for taking action against the owners who have been violating the court orders during past one year.

**PIO's Reply:**

**PIO/SE-II Shahdra South Zone** replied as under:

In regard of query 1.it was stated that the development control norms are available in Master Plan of Delhi-2021 which is a public documents and can be had from any book shop. In regard of queries no. **2 to 7 & 10** the list was provided as the copy is enclosed. In regard of query no.**8** the PIO replied that the action is being taken by the concerned Deptt & in regard of query no.**9** the reply was that information is not available in this office.

Reply by **PIO/Dy.Health Off,Central Zone.** as under:

1. Banquet Halls are allowed in commercial and industrial areas.
2. Banquet halls are not permitted in residential area.
3. Health Deptt. has not granted any license to the any banquet hall in residential area.
4. Not applicable.
5. No Banquet Hall is operating in residential area in central zone.
6. Reply as in query no.5.

In regard of queries no. 7 to 10, it was stated that the information does not relate to the Health Deptt., central zone.

Reply by **PIO/Dy. Health Comm. Shahadra North Zone :**

In regard of queries no. **1 & 2** –the information pertains to H.Q. In regard of queries no. **3 to 6** as reply was given as by PIO ,Central zone. In regard of queries no. **7,9 & 10** –the information does not relate to the Health Deptt.,of this zone.in regard of query no. 8:-instructions were given to PHIs for during the prosecutions of unauthorized and unlicensed banquet halls time to time.

Reply by PIO/SE-I ,South zone,green Park: the information information does not relate to the concerned Deptt.

**Order of the First Appellate Authority:**

The PIO's were directed to provide the complete information on query nos. 8,9,& 10 as the Appellant was not satisfied with that.

**Grounds for Second Appeal:**

Complete information not provided by the PIOs and the Appellant also seek that the Commissioner, MCD is directed to provide complete and definite information in place of piecemeal responses provided by Zonal officers.

**Relevant Facts emerging during Hearing:**

The following were present:

**Appellant:** Mr. S.Chandra;

**Respondent 1:** Mr. Harminder Singh, APIO & EE (HQ);

**Respondent 2:** Mr. Pushkar Sharma, PIO/SE-II, Shah South Zone;

**Respondent 3:** Dr. Hazarika, APIO/ DHO, Central Zone, Lajpat Nagar;

**Respondent 4:** Dr. Ajay Handa, PIO/Dy. Health Officer, Shah North Zone;

**Respondent 5:** Mr. Pradeep Khandelwal, PIO/SE-I, South Zone, Green Park;

The Appellant had sought information about banquet hall particularly in residential areas. In the traditional method of MCD it appears that 50 to 80 officers must have got involved in terms of transferring papers and initialing on it. The RTI application appears to have reached the 12 zones and the Health Department after being transferred multiple times. The information provided by Shahdara South Zone is very revealing since it shows that there are 38 banquet halls operating out of which 35 are without any license and the three which has been adhoc registrations are in residential areas which the Dy. Health Officer Mr. Ajay Handa states is not permissible. It is also revealing that in the one year it appears not a single challan has been issued in this zone for serving food in these banquet halls without a license. If MCD does not wish to regulate this activity it would serve a social purpose better if it decided to remove all licensing norms. This might result in lesser contempt for the law.

The Commission feels that the citizen have brought up a very valid issue and it is surprising that MCD claims it does not have centralized information on how many banquet hall in the Delhi and how many are licensed. This is one of the basic duties of a Municipal Corporation

**Decision:**

The appeal is allowed.

The Commission directs Dr. Ajay Handa, Dy. Health Officer, Shahdara South to collect the information from all the zones about the names and addresses of banquet halls, whether they are licensed and number of challans issued against them in the year 2009. This information will be put up on the website of MCD before 28 February 2010. The PIO will also ensure that information about challans issued against unlicensed banquet hall will be updated every halls. The PIO will also ensure that the regulations for the banquet halls is put up on the website. This direction is being given and MCD must comply with it in discharge of its obligation under Section -4 of the RTI Act.

This decision is announced in open chamber.

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

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**03 February 2010**

*(In any correspondence on this decision, mention the complete decision number.)<sup>RRJ</sup>*