

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

Decision No.CIC/SG/A/2009/003241/6691
Appeal No. CIC/SG/A/2009/003241

Appellant : Mr. Saood Ahmad
H.No.582, Gali Jutey Wali,
Chudi Walan, Jama Masjid,
New Delhi -110006

Respondent : Mr. T.P. Sharma
Public Information Officer & AC
Officer of the Asstt commissioner,
MCD, City Zone, MLUG Car parking,
Asaf Ali Road,
New Delhi-110002

RTI application filed on : 12/06/2009
PIO replied : 24/08/2009
First Appeal filed on : 07/09/2009
First Appellate Authority order : 23/10/2009
Second Appeal filed on : 23/12/2009
Notice of Hearing Sent on : 05/01/2010
Hearing Held on : 04/02/2010

Sl	Information sought	PIO's reply
1)	On property no. 768 no. 6 Ballimaran Chandani Chock which business takes place & what is the firm name, is they have trade license? If yes, from when & who is the proprietor? Is trade license renewed? & which documents are submitted for issuing trade license. Give the certified copy of documents	On concern property business of selling of shoes is going on. Under firm name Three Friends Footwear. They have no trade license
2)	Who is proprietor of Property no 5254, 5256 Rajdhani foot house & from when? Trade license get renewed or not?	No record of license is available
3)	Is the business was going on under the name Hind footwear, in year 1962 On property no 768? If yes, for how long business was going on? Was they had trade license? If yes, what was validity time for license?	No record is available

Grounds for First Appeal:

1. Ans. of query no 2 is incomplete & unclear.
2. Ans. of query no 2 is incomplete & unclear.

Order of the First Appellate Authority:

PIO is directed to provide requisite information of within 15 days.

Grounds for Second Appeal:

1. Regarding query no1, name of proprietor of Three Friend Footwear is not provided.
2. Regarding query no2, name of proprietor of Rajdhani Footwear is not provided.
3. Regarding query no 3, ans. is incomplete & unclear.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Saood Ahmad;

Respondent: Mr. T.P. Sharma, Public Information Officer & AC;

No information has been provided to the Appellant after the order of the First Appellate Authority (FAA). The PIO states that the person responsibly for not implementing the order of the FAA was Mr. Ashok Tyagi, Licensing Inspector.

Decision:

The appeal is allowed.

The PIO is directed to provide the information to the Appellant before 20 February 2010.

The issue before the Commission is of not supplying the complete, required information by the deemed PIO Mr. Ashok Tyagi, Licensing Inspector within 30 days as required by the law.

From the facts before the Commission it is apparent that the deemed PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

It appears that the deemed PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

Mr. Ashok Tyagi, Licensing Inspector will present himself before the Commission at the above address on **11 March 2010 at 11.00am** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant. If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

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
04 February 2010

(In any correspondence on this decision, mention the complete decision number.) (SR)

CC;

To ,

Mr. Ashok Tyagi, Licensing Inspector through : Mr. T.P. Sharma, Public Information Officer & AC;