

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

Decision No.CIC/SG/A/2010/000168/7037
Appeal No. CIC/SG/A/2010/000168

Appellant : Mr. Mufti Mohd. Haneef Kasmi
House no. 856, IInd Floor,
Shish Mahal, Bahadurgarh Road,
Delhi - 110006.

Respondent : Mr. N. K. Gupta
Public Information Officer & SE
O/o Superintending Engineer,
Municipal Corporation of Delhi,
Sadar Pahar Ganj Zone, Idgah Road,
Delhi.

RTI application filed on : 23/09/2009
PIO replied : Not mentioned.
First Appeal filed on : 05/11/2009
First Appellate Authority order : 15/12/2009
Second Appeal Received on : 20/01/2010
Notice of Hearing Sent on : 01/02/2010
Hearing Held on : 05/03/2010

Information sought:

- i. An adjacent house of Mohd. Yahya S/o Sh. Ilyas, H.No. 8893, Gali Haji Wali, Pul Bangash, Delhi-110006 of the Appellant had been demolished by the owner and had came up with new construction of 3 ½ Floors at the same site.
Had this totally new 3 ½ Floors built up House been constructed with permission of Dy. Commissioner(DC), MCD? The Appellant sought reply in Yes/No.
- ii. Did the owner seek permission of the permission of DC, MCD before constructing it fresh? Provide the copy of map passed by department of DC.
- iii. Was the Construction Map of this (above said) New Constructed 3 ½ Storyed House passed by the department of DC?

PIO's Reply:

Not enclosed.

Grounds for First Appeal:

Information was not provided.

Order of the First Appellate Authority:

PIO/SE/SPZ was directed to provide the requisite information to the Appellant within 10 working days.

Grounds for Second Appeal:

Information was not provided.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Mufti Mohd. Haneef Kasmi;

Respondent: Mr. N. K. Gupta, Public Information Officer & SE;

The Appellant has not been given any information and the PIO has given evidence of many letters and showcause notices which he has given to Mr. A. K. Singh, EE (Building) who holds the information to provide the information. The PIO states that he is unable to get Mr. A. K. Singh to provide the information. The Appellant states that he has met the Junior Engineer Mr. Kapil Dev who has told him that no information will be provided to him in this matter.

Decision:

The appeal is allowed.

The Commission directs Mr. A. K. Singh, EE(B) and Mr. Kapil Dev, JE(B) to provide the complete information to the Appellant before 20 March 2010.

The issue before the Commission is of not supplying the complete, required information by the deemed PIOs Mr. A. K. Singh, EE(B) and Mr. Kapil Dev, JE(B) within 30 days as required by the law.

From the facts before the Commission it is apparent that the deemed PIOs are 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.

It appears that the deemed PIOs actions attract the penal provisions of Section 20 (1). It also appears that they have persistently refused to give the information inspite of repeated reminders. A showcause notice is being issued to them, and they are directed give their reasons to the Commission to show cause why penalty should not be levied on them and Commission should not recommend disciplinary action against them under Section 20(2) of the RTI Act.

Mr. A. K. Singh, EE(B) and Mr. Kapil Dev, JE(B) will present themselves before the Commission at the above address on **13 March 2010 at 02.30PM** alongwith their written submissions showing cause why penalty should not be imposed on them as mandated under Section 20 (1) and Commission should not recommend disciplinary action against them under Section 20(2) of the RTI Act. They 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
05 March 2010

(In any correspondence on this decision, mention the complete decision number.)^{Reg}

CC: To,

Mr. A. K. Singh, EE(B) and Mr. Kapil Dev, JE(B) through Mr. N. K. Gupta, Public Information Officer & SE