

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/900013/7049
Complaint No. CIC/SG/C/2010/900013

Complainant : Mr. Kapil Chawla
63, B.D. Estate, Mall Road
Delhi-110054

Respondent : Public Information Officer
A.D.C (HQ)
Municipal Corporation of Delhi
O/o the Addl. Deputy Commissioner (HQ)
Town Hall, Chandni Chowk,
New Delhi-110006

Facts arising from the Complaint:

Mr. Kapil Chawla had filed a RTI application with the PIO, MCD, Chandni Chowk, Town Hall, Delhi on 23/11/2009 asking for certain information. The Complainant received a reply from the PIO vide a letter dated 02/12/2009, which the Complainant found unsatisfactory. On this basis the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. Subsequently, the Commission issued a notice to the PIO, MCD, O/o the Addl. Commissioner, Town Hall, Delhi on 06/01/2010 with a direction to provide the information to the Complainant

The Commission received a letter dated 05/02/2010 from the PIO/A.D.C (HQ), MCD, Town Hall, Delhi-110006 wherein it has been stated that information has been provided to the Complainant vide a letter dated 22/12/2009. On perusal of the information it has been observed that information on the larger part of the queries has been denied citing exemption under Section 2(f) and (j) of the RTI Act but at the same time some information has still been provided against those queries. This is not an appropriate action on the part of the PIO as per the provisions of the RTI Act. It appears that the provisions of the RTI Act have been misinterpreted by the PIO. Furthermore, information provided on **Query No.9.2** is not appropriate. The PIO has neither provided any proof of seeking assistance from the concerned zone nor has a copy of transfer of RTI Application been provided.

Decision:

The Complaint is allowed.

In view of the aforesaid, the PIO is directed to ensure that information in regard to **Query No.9.2** of RTI Application dated 23/11/2009 is provided to the Complainant before **26/03/2010**. Proof of dispatch of information should be sent to the Commission before **05/04/2010**. The PIO's action clearly amounts to denial of information without any reasons. The PIO is therefore, asked to submit a written explanation to show cause as to why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) & (2) of the RTI Act before **05/04/2010**.

If the information has already been supplied to the complainant, furnish a copy of the same to the Commission with your written submission.

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, 2005

Shailesh Gandhi
Information Commissioner
05/03/2010

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