

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

Decision No. CIC/SG/A/2009/001985/5039Adjunct
Appeal No. CIC/SG/A/2009/001985

Relevant Facts emerging from the Appeal:

Appellant : Mr. Harish Kumar
628/3, Shivaji Road,
Pul Mithai, Delhi – 110006.

Respondent : Mr. Sudhir Kumar
Public Information Officer &
Asst. Commissioner (Karol Bagh Zone)
Municipal Corporation of Delhi
O/o the Asstt. Commissioner
Karol Bagh Zone, Near Khalsa College,
Anand Parvat, Karol Bagh, Delhi.

RTI application filed on : 09/03/2009
PIO replied : 15/04/2009
First appeal filed on : 15/04/2009
First Appellate Authority order : 21/05/2009
Second Appeal received on : 18/08/2009

The Appellant has sought following information regarding status of region wise wards after delimitation of these wards vide order no. F-13/20/2007/UD/5556 dated 09/04/2007.

S. No.	Information Sought	Reply of the PIO
1.	Attested copy of number of open and covered <i>tahbazari</i> in each ward of Karol Bagh Zone (MCD) with number of allottees/ <i>Tahbazari</i> owner whose original file was available in departmental archives and vice-versa.	Total no. of open <i>Tehbazari</i> in Karol Bagh Zone was 516 and covered <i>Tehabazari</i> was allotted in Maharana Pratap Market, Netaji Subhsh, Radio Market, Shahstri Market, Guru Nanak, Bhagwati Market, Khanna Market (Patel Nagar), Mini Market (Nala Market), Vegetable and fruits market (Ajmal Khan Road), Shankar Raod Market. According to the all the wards there was no file related to <i>Tahbazari</i> available in the office.
2.	Details of hawking license holder in each ward of Karol Bagh Zone (MCD) with ward wise details of original file of hawking license holder kept in Departmental Archives/record and vice versa.	In Karol Bagh region, some hawking license were issued but files/records related to this was not available in the office.
3.	Ward wise details of mutation, change of place, change of place (after purchasing), change of name according to the departmental record/archives of those <i>Tahbazari</i> holders (open and covered), whose original files was not present in departmental record, in Karol Bagh zone of MCD.	Some original files related of covered <i>tahbazari</i> holder were available in Karol Bagh region.
4.	Year wise details of number of licensee ad hoc storage made till date in Karol Bagh Zone/MCD.	Total number license of ad hoc storage at that point of time in Karol Bagh Zone was 1988.

5.	Year wise details of number of licensee commercial storage made till date in Karol Bagh Zone/MCD.	Total number of license of commercial storage at that point of time in Karol Bagh Zone was LC (212).
6.	Year wise details of number of license issued to rickshaw puller and goods carrier rickshaw in Karol Bagh Zone/MCD.	1980 Cycle Rickshaws were issued license in 1994-95 in Karol Bagh region. Those licenses were issued region wise. Hand carters were not issued license instead those were registered in Head Quarter. Details of license of hand carters were not issued from Karol Bagh zone.
7.	Number of application received in Karol Bagh Zone/MCD under National Vending Policy – 2004.	List had benn given. (Enclosed)
8.	Attested copy of list of approved squatting area under National Vending Policy-2004 of Karol Bagh Zone/MCD.	According to the rule of Supreme Court, squatting space was not decided in Karol Bagh zone.

First Appeal:

Incomplete and unsatisfactory information received from the PIO.

Order of the FAA:

The FAA in its order directed the PIO to give the information with regard to number of covered *tahbazari*, within 10 days of the issue of the order.

Ground of the Second Appeal:

Non-receipt of complete information from the PIO.

Decision dated 06/10/2009:

The Appellant was primarily seeking information about how many files regarding the Tehbazari are available. The Appellant wanted to inspect the files. The Commission ordered the inspection of the files at the Respondents office on 27 November 2009 at 10.00AM.

The Appeal was allowed. The PIO Mr. Sudhir Kumar was directed to facilitate an inspection of the records as mentioned above and a joint report would be made recording how many files were available, and how many are missing. During the inspection if the Appellant wants photocopy of any of the documents the copies will be provided free of cost. The Copy of the Police Complaint and the certificate of Additional Commissioner (Revenue) would be given to the Appellant before 20 December 2009.

Facts leading to the Adjunct Decision:

The Commission received PIO's letter dated 30/12/2009 seeking an extension in time to comply with the Commission's order. The same was granted vide Commission's letter dated 04/01/2010. Subsequently, the Commission received PIO's letter dated 15/01/2010 wherein it has been stated that there are 1509 tehbazari sites out of which 807 files are not available on record. Further, stating that the files that are not on record were never constructed as such. There appears to be some discrepancy in the number of tehbazari sites mentioned by the PIO in his communication(s). The initial reply of the PIO dated 01/04/2009 where a list of tehbazari sites was provided, therein the number of sites on calculation (by the Complainant at the Commission) has been observed to be 1706. However, in the aforesaid letter of the PIO dated 15/01/2010 to the Commission, the PIO states the same to be 1509 in number. Furthermore, it has been observed that there is no proof of having sent the same information provided vide PIO's letter dated 15/01/2010 to the Appellant. In addition to this, the Appellant has alleged vide a letter dated 09/02/2010 that he has received no information till date. The PIO should have sent the copy of the communication dated 15/01/2010 to the Complainant.

Decision Announced on 11/03/2010:

In view of the facts mentioned above, the PIO is hereby directed to issue an affidavit for the files which are said to have never been constructed and therefore are claimed to be not on record.

Further, the PIO is directed to clarify the aforementioned discrepancy in the total number of tehbazari files mentioned vide letters dated 01/04/2009 and 15/01/2010. The PIO should provide the clarifications and the affidavit to the Appellant before **06/04/2010** with a copy to the Commission.

Shailesh Gandhi
Information Commissioner
11/03/2010

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