

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

Decision No. CIC/SG/C/2009/001716/7106
Complaint No. CIC/SG/C/2009/001716

Complainant : Mr. Sunil Kumar Sharma,
R/o 9561, Azad Market,
Library Road, Delhi-110006

Respondent : Mr. N. K. Gupta
Public Information Officer,
O/o the Superintending Engineer,
(Engineering Department)
Municipal Corporation of Delhi,
Room No. 22, Ist Floor,
Behind Sadar Thana, Idgah Road, Delhi

RTI application filed on : 09/10/2009
PIO replied (received after notice) : no reply
First Appeal filed on : 12/11/2009
Complaint filed on : 14/12/2009

Sl.	Information Sought	PIO's reply
1.	Number of applications received by the MCD for sanctioning of site plan for Paharganj New Delhi-55 Ward No.-89 for from Jan 2009 till date	12
2.	Number of application (out of those received) has been sanctioned by the MCD for building plan, and number of applications rejected.	Sanctioned Plan-3 & Rejected-4
3.		No information has been sought by the applicant.
4.	Reason for why those applications were rejected.	Does not come under the definition of information.
5.	Number of floors allowed for the site plan, the details be given individually of each and every property.	37, Ram Nagar, Pahar Ganj-GF, FF, SF, TF 8501/15, Arakashan Road, Pahar Ganj-GF,FF, SF, TF, 45 Arakashan Road, Pahar Gang-GF, FF, SF, TF
6.	The complete list with name & address which was supplied.	Applicant information could not be given as covered under provision of section 8-J.
7.	As per the MCD record, number of properties under constructions. Provide details of each and every property be supplied with name & address.	Information is not available in material form.
8.	Number of unauthorized constructions going	Same as above.

	on as per survey of the MCD, the name and address with details be supplied. What action taken report of individual property supplied.	
9.	Number of properties seized and demolished and booked. The list in details be supplied.	The period for which this information has been not mention.

Grounds for First Appeal:

Information was not provided.

Grounds for Complaint:

Information was not provided.

Submission after Notice:

From the Complainant;

Incomplete information was provided to the Complainant vide letter dt. 08/01/2010.

Relevant Facts emerging during Hearing:

The following were present

Complainant: Absent;

Respondent: Mr. N. K. Gupta, PIO & SE;

It appears that no information is provided to the Appellant. Hence the complainant had a complaint with the Commission. The Commission sent a notice to the PIO on 17/12/2009 asking him to inform the Commission for the reason for not supplying the information and also asking the PIO to supply the information to the Complainant before 11/01/2001. The Complainant has subsequently informed the Commission that he did received some information on 08/01/2010 but the reply was not complete and copies of all documents demanded by Complainant has not been furnished. In view of this the Complainant has requested the Commission to order an inspection and direct the PIO to provide the complete information. The deemed PIO Executive Engineer (B) SP Zone Mr. A.K. Singh does not appear to have provided any significant information with regard to query-4 in which he should have provided the reasons for rejection of application. In query-6 he has refused to give information claiming exemption under Section 8(1)(j) without giving any reasons how this section applies. With regard to query-8 it is MCD's responsibility to indentify unauthorized construction and information should have been provided. On query-9 also the deemed PIO could have atleast provided information for the last one year.

The PIO Mr. N. K. Gupta states that the person responsible for not providing information was Mr. A. K. Singh, EE(B) and deemed PIO. Mr. N. K. Gupta states that he had sent the RTI application to Mr. A. K. Singh on 08/10/2009 and subsequently sent a reminder on 17/02/2010. He has also issued a showcause notice on 25/02/2010 and another showcause notice on 08/03/2010.

Decision:

The Complaint is allowed.

The Deemed PIO Mr. A. K. Singh, EE(B) is directed to provide complete information to the Complainant before 25 March 2010. He is also directed to facilitate an inspection of records by the Complainant on 22 March 2010 from 10.00AM onwards. He will provide photocopies of records which the Complainant wants free of cost upto 200 pages.

The issue before the Commission is of not supplying the complete, required information by Mr. A. K. Singh, EE(B) and deemed PIO 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.

It appears that the 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. A. K. Singh, EE(B) and deemed PIO will present himself before the Commission at the above address on **20 April 2010 at 10.00am** 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
11 March 2010

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

CC:
To,

Mr. A. K. Singh, EE(B) and deemed PIO through Mr. N. K. Gupta, PIO & SE;