

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

Decision No.CIC/SG/A/2010/000256/7120
Appeal No. CIC/SG/A/2010/000256

Appellant : Mr.Tarsem Chaudhary ,
413/22A, Masjid Moth,
South Ext. Part-II,
New Delhi-110049.

Respondent : Public Information Officer
Community Services Department,
Municipal Corporation of Delhi,
16, Rajpur Road, Civil Lines,
Delhi-110054.

RTI application filed on : 14/09/2009
PIO replied : 13/10/2009
First Appeal filed on : 20/10/2009
First Appellate Authority order : 10/11/2009
Second Appeal Received on : 29/01/2010

Sl.	Information Sought	PIO's reply
1.	Estimated amount of new constructed building inaugurated in Feb, 2009.	This is related to Engineering Deptt.
2.	Number of staff, their salary (in year) estimated amount for electricity, water, maintenance of the said community building, total expenditure on the said Community Building.	This Community Hall has been transferred in recently to Community Service Deptt. Recently in August 2009. There are four staff members in this building. Details of Annual expenditures can't be provided.
3.	Number of total booking & estimated income of the Community Hall from Feb, 2009 to August, 2009.	Booking of this community hall is online. Therefore, related information can be sought from Department Information and Technology.
4.	Whether the said community hall is restricted for residents of area near South Ex.-II.	This community hall is not concerned with particular zone, but for all.
5.	The reason why a recommendation of Municipal councilor is necessary. Whether a decision for booking depends upon him or other? Basis on which application of the applicant can be rejected by him?	As per Proposal no. 200 dated 10/07/2009 of Municipal, a recommendation of Municipal councilor is necessary for booking.
6.	Another new construction of the Community building inaugurated on10/10/1999. The Cost amount for this construction. Under whose ownership this construction is. Whether this is given on lease.	The Cost for this construction is related to Engg. Deptt. This community hall is related to Community Service Deptt., MCD. This building has not been given to any other on lease.
7.	Whether such facilities are provided to other community hall in Delhi? Provide the details of Community Hall/fees in this zone.	On the basis of licensee fee of the community hall, the community hall, total 32 in number, had been given to NGO for conducting in year 2003& 2004. There is no plan for giving community hall to these organization at present.

Grounds for First Appeal:

Unsatisfactory reply.

Order of the First Appellate Authority:

No order. Point wise reply had been provided by the FAA.

Reply after FAA order:

The PIO had provided following reply to the Appellant vide letter dt 16/11/2009

Point no. 5: Copy of Proposal No. 200 dated 10/07/2006 passed by the Municipal was enclosed.

Point no. 6: A part of another new constructed Community Building, South Ex. Part-II had constructed by Engineering Deptt, MCD in year 2000. This building was given to a NGO, "Mahila Samiti" by Engg. Deptt. without any permission/cognizance of Community Service Deptt. The Samiti had not been allotted this building by the Community Service Deptt.

Grounds for Second Appeal:

Incomplete & irrelevant information & not clear in meaning.

Relevant Facts emerging during Hearing:

Both the parties were given an opportunity for hearing. However, neither party appeared. From a perusal of the paper it appears that the PIO has not provided information on query 1 & 6. The PIO should have obtained this information under Section 5(4) of the RTI Act and provided it to the Appellant.

Decision:

The appeal is allowed.

The PIO is directed to give the information on queries 1 and 6 to the Appellant after obtaining it from the concerned department before 05 April 2010.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the 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.

He will give his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1) before 10 April 2010. He will also submit proof of having given the information to the appellant.

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