

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

Decision No. CIC/SG/A/2010/000025/6811Adjunct
Appeal No. CIC/SG/A/2010/000025

Relevant facts emerging from the Appeal:

Appellant : Mr. Omprakash
S/o Mr. Ishrm
RZ – 65A/2, Block – Y,
New Roshanpura Extension, Papravat Road,
Najafgarh, New Delhi – 110043.

Respondent : Mr. M.P. Panwar
PIO & Assistant Engineer (M-NG) – I
Municipal Corporation of Delhi
Najafgarh Zone, Near Water Tank building,
Tilak Nagar Road, New Delhi.

RTI application filed on : 26/02/2009
PIO's reply : 20/05/2009
First Appeal filed on : 06/08/2009
First Appellate Authority order : 28/08/2009
Second Appeal received on : 31/12/2009
Date of Notice of Hearing : 12/01/2010
Hearing Held on : 12/02/2010

The Appellant had sought following information from PIO – MCD, Najafgarh Zone related to colony where he is residing:

S.No.	Information Sought	PIO's Reply
1.	Whether the Central Govt or Govt. of NCT of Delhi had given the responsibility for taking care of construction of <i>nallahs</i> in ward no. 137 Najafgarh, Delhi to Delhi Govt. or Delhi State Govt. during the year 2008-2009. if yes, then following information was required: i) the name of the responsible JE and Suptnd. Engineer for taking care of construction of clearance of water in the said area. ii) details of work orders under which the said nallah was constructed. iii) Length and width of nallah with details of measurement of stating and ending level of nallah and slope ratio.	MCD has taken up the development of works in this colony as per order of UD Department, Delhi Govt. Sh. KK Yadav, is the area JE of this colony. The detail of work order had been provided to the appellant. The work of drain has been executed after taking the proper level and as per condition.

	<p>iv) A) Name and trade mark of the company whose bricks and cement was used in the construction.</p> <p>b) quality of bricks and cement used.</p> <p>c) Departmental standard ratio for using cement and sand stone in plastering and white wash.</p> <p>v) Whether the part of these nallah was constructed during Oct-2008 to Dec'2008. if yes then following information required</p> <p>a) Whether the said nallah was made according to the departmental standards.</p> <p>b) Whether the leakage was happening from the side walls of said nallah.</p> <p>vi) Whether any residents of the said colony had lodges any complaint regarding construction of said anllah in 2008-09. if yes then copy of said complaint with number of complaints.</p> <p>vii) Whether any correspondence was done by the MCD, Nazafgarh Zone. If yes then copy of the said letter with copy of receipt.</p>	<p>The material in the drain has been used after testing the material from lab.</p> <p>The work of drain has been executed as per the specification of the work and it is wrong to say that water is sea paging from the walls of drain. Drain may be over flow due to the non cleaning.</p> <p>As per specification (as per work order). No.</p> <p>Yes</p> <p>No.</p> <p>No.</p> <p>No.</p>
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Ground of the First Appeal:

Incorrect and incomplete information had been provided by the PIO.

Order of the FAA:

“The case was further adjourned for 06-08-2009. but the appellant was not present. However, the reply given by the EE(M-I)/NGZ has already been handed over to the applicant and received by the applicant on 30.07.2009 and the appellant is satisfied with the reply”.

Ground of the Second Appeal:

Incorrect information had been provided by the PIO. Unfair disposal of the Appeal by the FAA.

Relevant Facts emerging during Hearing on 12/02/2010:

The following were present:

Appellant : Mr. Omprakash;

Respondent : Mr. M.P. Panwar, PIO & Assistant Engineer (M-NG) – I;

With respect to Query-1(iii) the PIO states that no measurements are on record and it is only ensured that water flow is maintained. The PIO will provide the trade mark of cement and bricks. The PIO has stated that no complaint has been received about the construction of nalli. The Appellant has produced before the Commission and the Respondent one complaint given by him on 30/12/2008 which has been received at the office of the PIO.

The RTI application has been filed on 26/02/2009 and the information should have been provided by 28/03/2009. The PIO gave the first reply on 20/05/2009 which was clearly incomplete. The PIO has finally given detailed reply only on 24/07/2009.

Decision dated 12 February 2010:

The Appeal was allowed. The PIO was directed to give the information mentioned above to the Appellant before 20 February 2010. As the issue before the Commission is of not supplying the complete, required information by the deemed PIO within 30 days as required by the law, the Commission issued a show cause notice to the deemed PIO Mr. Panwar and directed him to present himself before the Commission on **15 March 2010 at 03.30pm** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1) for not providing the complete information within the time limit stipulated in the Act. If there are other persons responsible for the delay in providing the information to the Appellant the PIO was directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

Facts emerging from the show cause hearing on 15/03/2010:

The following persons were present:

Appellant: Mr. Om Prakash

Respondent: Mr. MP Panwar, AE (Civil)

Mr. MP Panwar states that he had not received a copy of the Commission's decision and therefore was not aware of the exact time of the show cause hearing.

The Appellant states that he has not received a copy of the receiving given by the MCD to his complaint.

Adjunct order announced on 15/03/2010:

The Commission has decided to give another date for a show cause hearing -**12/04/2010 at 3.30 pm**. The Deemed PIO Mr. M.P. Panwar is directed to appear on this date along with his written submissions to show cause why penalty should not be imposed on him for delaying the provision of information to the Appellant. If there are other persons responsible for the delay in providing the information to the Appellant the deemed PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

The deemed PIO is further directed to give a copy of the receiving of the Appellant's Complaint, if available, to the Appellant before 31 March 2010 with a copy to the Commission.

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
15 March 2010

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