

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

**Decision No. CIC/SG/A/2010/000241/7149**  
**Appeal No. CIC/SG/A/2010/000241**

**Relevant Facts emerging from the Appeal:**

Appellant : Mr. Vishal Narula,  
House No 13/86, Old Talwandi Road,  
Zira District,  
Ferozepur- 142047.

Respondent : Mr. K. C. Meena  
Public Information Officer & SE-II  
**Municipal Corporation of Delhi.**  
O/o Superintending Engineer –II,  
West Zone, Vishal Enclave, Rajouri Garden,  
New Delhi.

RTI application filed on : 08/12/2009  
PIO replied : 18/01/2010  
First appeal filed on : 04/01/2010  
First Appellate Authority order : Not enclosed.  
Second Appeal received on : 28/01/2010  
Date of Notice of Hearing : 16/02/2010  
Hearing Held on : 15/03/2010

**Information Sought** (property no B I/602 Janak Puri)

- a) Whether the construction made by the ground and first floor owners for *property no B I/602 Janak Puri* were as per the plan sanctioned by MCD.
- b) Whether the site plan for ground and first floor made by architect Mr. Pankaj Paliwal was sanctioned by the MCD.
- c) Whether the construction in the “form of removal of 9” (main load bearing) wall from front side and make a room in the front side taken the lawn area as well as making new toilet in the lawn area and at the back side removing 9” wall and preparing the wall by extending the area upto the sun shadow of the Kothi and at the left side in back court yard extended the room to the last wall” was a violation of MCD sanctioned plan or not.
- d) Whether the construction at the ground floor of a new kitchen in the open space as well as extended room by taking the space from the open space in the middle of the kothi was a violation of MCD sanctioned plan or not.
- e) Whether the construction of ground floor garage into the living room was a violation of MCD sanctioned plan or not.
- f) Whether the construction of a new toilet with a room which was extended to the open space was a violation of MCD sanctioned plan or not.
- g) Whether the construction of “first floor extension bath room at the back side as well as bathroom at the right side which comes after the stairs” was a violation of MCD sanctioned plan or not.
- h) Whether the construction of “new drainage system at the back side through new 9” wall upto the second floor and extension of three water tanks against the common water tanks” was a violation of MCD sanctioned plan or not.
- j) reasons for not taking any action if there was any violation of the sanctioned plan.

**RTI No. –II dated 08/12/2009:**

Reasons by which suspension/transfer of AE Suraj Parkash and JE Mr. Shukla is effected.

**Reply of the Public Information Officer (PIO)**

- a) Mr. Parveen Shukla (JE, Civil) had tendered his resignation from MCD service and the same was accepted by the competent authority and had been relieved from MCD service w.e.f. 18/09/2009.
- b) Mr. Suraj Prakash (AE, Civil, Building department, west zone) had been placed under suspension by the vigilance department in 'some case'.

**Grounds for the First Appeal:**

No information provided by the PIO (the PIO replied after the first appeal).

**Order of the First Appellate Authority (FAA):**

Not enclosed.

**Grounds for the Second Appeal:**

Unsatisfactory information provided by the PIO.

**Relevant Facts emerging during Hearing:**

The following were present:

Appellant: Mr. Vishal Narula;

Respondent: Mr. K. C. Meena, Public Information Officer & SE-II;

The PIO has given the information about one RTI application where queries were asked completely which is satisfactory but have been provided late. The PIO states that though the RTI application was received with the Assistant Commissioner (West Zone) on 08/12/2009. The Assistant Commissioner forwarded it on 10/12/2009 and it was received in the office of the SE-II (West Zone) on 14/12/2009. After that the Assistance of the then EE(B-II) was sought on 15/12/2009 who sent the information on 15/01/2009 which was forwarded to the Appellant by SE-II (West Zone) on 18/01/2010.

**Decision:**

The Appeal is allowed.

The information has been provided late.

**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. 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 05 April 2010.

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**