

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

Decision No. CIC/SG/C/2010/000076/7156
Complaint No. CIC/SG/C/2010/000076

Complainant : Mr. B D Sharma
517, Nimdi Colony
Ashok Vihar, Delhi

Respondent : Public Information Officer
O/o the Commissioner
Municipal Corporation of Delhi
Town Hall, Chandni Chowk
New Delhi-110006

Facts arising from the Complaint:

Mr. B D Sharma had filed a RTI application with the PIO, MCD, Town Hall, New Delhi on 26/11/2009 asking for certain information. However on not having received the information within the mandated time, the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. On this basis, the Commission issued a notice to the PIO, MCD, Town Hall, New Delhi on 27/01/2010 with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission has neither received a copy of the information sent to the Complainant, nor has it received any explanation from the PIO for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the PIO has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act. Failure on the part of the PIO to respond to the Commission's notice shows that there is no reasonable cause for the refusal of information.

Decision:

The Complaint is allowed.

In view of the aforesaid the PIO is directed to provide the complete information in regard to the RTI Application dated 26/11/2009 to the Complainant before **05/04/2010**. Proof of dispatch of information should be sent to the Commission before **08/04/2010**. The PIO's action clearly amounts to denial of information without any reasons. The PIO is therefore, asked to submit a written explanation to show cause as to why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) & (2) of the RTI Act before **08/04/2010**.

If the information has already been supplied to the complainant, furnish a copy of the same to the Commission with your written submission.

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, 2005.

Shailesh Gandhi
Information Commissioner
15/03/2010

Encl: Copy of RTI Application dated 26/11/2009.

