

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

**Decision No. CIC/SG/A/2009/002903/6173Penalty**  
**Appeal No. CIC/SG/A/2009/002903**

**Appellant** : Mr. Devki Nandan  
C-1/18, Rana Pratap Bagh,  
Delhi-110007

**Respondent** : Mr. Rajpal,  
Junior Engineer(B) and deemed PIO  
O/o Superintendent Engineer  
**Municipal Corporation of Delhi,**  
Civil Line Zone, 16, Rajpur Road,  
Civil Line, Delhi -110054

**RTI application filed on** : 17/06/2009  
**PIO replied** : 15/09/2009  
**First Appeal filed on** : 15/09/2009  
**First Appellate Authority order** : 07/10/2009  
**Second Appeal Received on** : 13/11/2009  
**Notice of Hearing Sent on** : 27/11/2009  
**Hearing Held on** : 31/12/2009

**Information sought:**

1. Name of the official who approved the plan of Building (Second and half floor) situated on Ranapratap Bagh, Delhi-7. Whether the standards had been followed at the time of approval.
2. Whether the inspection of old map of the building and strength of the old building had been done. Whether approval was given for repairing or new construction.
3. Whether the house made above was according to map approved. Whether inspection was done.
4. Whether the said construction was legal or not. What was action being taken against said construction..

**PIO's Reply:**

Application was transferred to SE/CLZ vide letter dated 19/06/2009 by APIO, O/o the Asstt. Commissioner, Civil Lines Zone 16, Rajpur Road, Delhi-110054

**Grounds for First Appeal:**

Information not provided.

**Order of the First Appellate Authority:**

PIO was directed to furnish detailed and complete information asked by the Appellant within 10 days. PIO was further directed to furnish the reply in Hindi.

## **Grounds for Second Appeal:**

Information not provided for which application was forwarded vide letter dated 19/06/2009.

## **Relevant Facts emerging during Hearing 31 December 2009:**

“The following were present:

**Appellant:** Mr. Devki Nandan;

**Respondent:** Mr. V.P.Dahiya, EE on behalf of Mr. Rajendra Prasad, PIO & SE;

The appellant has clearly drawn the attention of MCD to a two and half storey illegal building at Ranapratap Bagh, C-1/18 at Delhi – 110007. When he made the RTI application on 17/06/2009 it was transferred to SE, Civil Lines Zones on 19/06/2009 from AO/CSB Town Hall. Subsequently no information was provided and it appears that this was done to safeguard the interests of those who have made the illegal building. The First Appellate Authority gave an order on 07/10/2009 to the SE, Civil Lines Zone to provide the information within 10 days. It is obvious that the PIO understood that this was an illegal building but no information was sent to the Appellant. The Respondent has brought the information prepared on 30/12/2009 which states that no plan has been passed for the said building.

This Commission once again sees the criminal collusion between MCD officials and builders of illegal buildings. It is apparent in hundreds of buildings that when citizens ask under Right to Information as specific pattern is followed for not giving any information as far as possible. Delay is used to a tactic and technique to further the cause of those indulging in illegal activity.

The respondent has assured the Appellant and the Commission that he will book the illegal building.

## **Decision:**

The appeal is allowed.

The information has been provided to the Appellant before the Commission. The deemed PIO Mr. V.P.Dahiya is directed to provide a copy of the booking register to the Appellant and the Commission before 10 January 2010.

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

From the facts before the Commission it is apparent that the PIO Mr. Rajendra Prasad 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 present himself before the Commission at the above address on **25 January 2010 at 10.30am** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1).”

## **Facts leading to Showcause on 16/03/2010:**

Mr. R. Prasad vide letter dated 22/01/2010 informed the Commission that Mr. Panna Lal, EE(B) is responsible for the delay in providing the information. Hence a showcause notice was issued Mr. Panna Lal EE(B) to appear before the Commission on 04/03/2010 to showcause why penalty under Section 20(1) should not be levied on him. On 04/03/2010 Mr. Panna Lal informed the Commission that he had marked the RTI application to Mr. Rajpal JE(B) for providing the information on 29/06/2009 who had not provided the information. Therefore a showcause notice was issued Mr. Rajpal JE(B) to appear before the Commission on 16/03/2010 to showcause why penalty under Section 20(1) should not be levied on him.

## **Relevant Facts emerging during Hearing 16 March 2010:**

The following were present:

**Respondent :** Mr. Rajpal, Junior Engineer(B) and deemed PIO; Mr. Panna Lal the then EE(B);

The RTI application has been filed on 17/06/2009 and the information should have been provided by 17/07/2009. However the information was only provided finally on 22/01/2010 after the order of the Commission. Mr. Rajpal, Junior Engineer(B) Civil Lines Zone is the deemed PIO in this as per the deposition of Mr. Panna Lal. Mr. Rajpal has given his written submissions in which he admits that he was responsible for providing the information. He states that inadvertently the reply was misplaced and hence the delay has occurred. He has mentioned that he joined MCD only on 15/06/2009 and being a new entrant he did not realize the seriousness of the RTI application. He is also tendering his apology and assures that he will be more careful in future

Mr. Rajpal, Junior Engineer(B) and deemed PIO has offered no reasonable cause for the delay in providing the information. The delay in providing the information has been over 100 days. The Commission sees this as a fit case for levy of penalty under Section 20(1) of the RTI Act on Mr. Rajpal, Junior Engineer(B). Since the delay has been over 100 days the Commission levies a penalty of Rs.25000/- which is maximum penalty under the Act.

## **Decision:**

As per the provisions of Section 20 (1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Mr. Rajpal, Junior Engineer(B) and deemed PIO. Since the delay in providing the correct information has been over 100 days, the Commission is passing an order penalizing Mr. Rajpal for Rs. 25000/ which is the maximum penalty under the Act.

The Commissioner, Municipal Corporation of Delhi is directed to recover the amount of Rs.25000/- from the salary of Mr. Rajpal and remit the same by a demand draft or a Banker's Cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Central Information Commission, 2<sup>nd</sup> Floor, August Kranti Bhawan, New Delhi – 110066. The amount may be deducted at the rate of Rs.5000/ per month every month from the salary of Mr. Rajpal and remitted by the 10<sup>th</sup> of every month starting from April 2010. The total amount of Rs.25000/- will be remitted by 10<sup>th</sup> of August, 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**  
**16 March 2010**

*(In any correspondence on this decision, mention the complete decision number.)<sub>Rnj</sub>*

- 1- Commissioner  
Municipal Corporation of Delhi  
Town Hall, Delhi- 110006
  
2. Shri Pankaj K.P. Shreyaskar,  
Joint Registrar and Deputy Secretary  
Central Information Commission,  
2nd Floor, August Kranti Bhawan,  
New Delhi – 110066