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To,

No. 250/AA/SW Dated: 19.09.2017

The first Appellate Authority,

19-9-17

The DCP,

South West District,

Dwarka Sector-19,

Dwarka, New Delhi-110075

DCP/SW
Addl. DCP-I/SW
Addl. DCP-II/SW
Branch RTI Appeal
No. 27727
Dt. 19-9-17
Insp./Admn. 3

SUBJECT: RTI Appeal against the RTI reply vide no. 12195 (ID-2077/17)/ (D-III)/ RTI Cell/ SWD dated 22.08.2017 received on 25.08.2017

Respected Sir,

The undersigned has received a RTI reply i.e. **Annexure 01** for the RTI application dated 22.08.2017 i.e. **Annexure 02**. However the RTI reply is incomplete and incorrect. Hence the present appeal.

PRELIMINARY SUBMISSIONS:

1. It is pertinent to mention herein that the undersigned deserves to receive a copy of the said complaints, as the complaints have been directly and indirectly been made against the undersigned and his family.
2. That the said complaints dated 30.06.2017 and afterwards, have been made against the undersigned and his family post attack on the uncle of the undersigned and phone calls to the PCR. The undersigned was called to the PS Palam Village, and was made to wait for more than 3 hours, but was not attended by the police due to shortage of staff owing to a Police Drill.

the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 3.

POINT NO. 4: As the undersigned is also one of the parties in the referred pending litigations and complaints, the same is not a constraint for not sharing any information with the undersigned. The entire contents of the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 4. There is no applicability of even applying the Public interest clause as the same is a matter/ complaint between parties themselves.

POINT NO. 5: The undersigned had requested for the complaint by not only Gaurav Jain but also by the family of Gaurav Jain.

The same includes:

- i. Narender Kumar Jain S/O Late Prem Chand Jain
- ii. Hemlata Jain W/O Narender Kumar Jain
- iii. Gaurav Jain S/O Narender Kumar Jain
- iv. Garima Jain D/O Narender Kumar Jain
- v. Sushil Kumar Jain S/O Late Prem Chand Jain
- vi. Sangeeta Jain W/O Sushil Kumar Jain
- vii. Ankit Jain S/ O Sushil Kumar Jain
- viii. Pulkit Jain S/O Sushil Kumar Jain

The address of all the aforementioned people is WZ 603 A, Palam Village, New Delhi-110045.

The phone numbers of the same could be:

- i. 011-25086510
- ii. 011-25074125
- iii. 011-25072186
- iv. 9818163211
- v. Any other phone number if not mentioned above

- completion of the investigation process, shall the copies be supplied to the undersigned.
5. Copies of the said cases are available online and can be collected from the court. Hence the same not being a private document, but a public document is not a constraint in sharing the information to anyone, as the said case, history and documents etc. can also be accessed by a normal individual upon permission from the court.
 6. That the reply is omnibus and mere quoting of sections without any consideration of the actual on ground scenario. It is reiterated that since the undersigned in one of the parties in the said complaint, in the pending litigations with the complainant and his family, hence he deserves the copies of the said complaints, and no third party objection is valid in this case.
 7. As far as public interest is concerned, the complaints which have been made are all private complaints having direct binding legal effect on the undersigned and his family. In view of the same the undersigned must be provided with the copies of the said complaints at the earliest.

POINTWISE REPLY UNDER APPEAL:

POINT NO. 1: As per the RTI Act 2005 and in the interest of justice, it must be confirmed from the SHO if the enquiry on the said complaints is complete. Kindly provide the timelines for the completion of the said enquiry. The entire contents of the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 1.

POINT NO. 2: As per the RTI Act 2005 and in the interest of justice, it must be confirmed from the SHO if the enquiry on the said complaints is complete. Kindly provide the timelines for the completion of the said enquiry. The entire contents of the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 2.

POINT NO. 3: As per the RTI Act 2005 and in the interest of justice, it must be confirmed from the SHO if the enquiry on the said complaints is complete. Kindly provide the timelines for the completion of the said enquiry. The entire contents of

3. However till date, since the undersigned has not been called to the Police Station or ever enquired by any Police officer due to no merits being in the said complaints, hence the said information cannot be withheld on account of any pending investigation process.
4. It is pertinent to mention herein that whatever the complaint was, the same was an absolutely false complaint and hence the said investigation process must be completed and the said complaint be filed at the earliest with a copy to the undersigned.
5. That the complainant Gaurav Jain and others are already accused in a lot of criminal cases and had assaulted my uncle Sh. Ramesh Chand Jain on 30.06.2017.

PRELIMINARY OBJECTIONS:

1. That the mere reply of a pending investigation, must not hamper the information disbursal process. Infact there is not much to investigate in this case. However in any event, the said non- supplying of the copies of the complaints being criminal in nature, is definitely hampering the process of justice and curtailing the rights and liberty of the undersigned to file appropriate applications in the court owing to no formal copy of the said complaints with the undersigned.
2. However the non-supplying of the copy of the said complaints made against the undersigned and his family shall cause grave prejudice to the undersigned and is impartial, while it has been more than 70 days today since the first complaint, but no reply has at all been received by the undersigned till date, either on the complaint made by the undersigned, or on the RTI as applied by the undersigned. The same is already causing grave prejudice to the undersigned.
3. No specific date and time for providing the information has at all been provided in the RTI reply owing to any pending purported investigation process.
4. Neither any specific date and time for the completion of the investigation process has been mentioned in the RTI reply, nor has it been stated that upon

The entire contents of the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 5.

POINT NO. 6: As per the RTI Act 2005 and in the interest of justice, it must be confirmed from the SHO if the enquiry on the said complaints is complete. Kindly provide the timelines for the completion of the said enquiry. The entire contents of the preliminary submissions and preliminary objections may also be kindly read as part and parcel of this very point no. 6.

In view of the above facts and circumstances, kindly share the requisite information with the undersigned. In case still the office wishes to withhold the information with itself, kindly provide the same post completion of the enquiry process within a short span of time, and communicate the timelines for sharing the information to the undersigned as well, otherwise the same shall cause grave prejudice to the undersigned, as the undersigned shall be barred from taking any legal recourse in time.

Kindly let the undersigned know about the date of the appeal hearing so that he shall be present on time in person. Copy of the RTI application and RTI reply is also being attached herewith.

In view of the above facts and circumstances, accordingly the undersigned deserves to receive a copy of the same.

Regards,



Uttam Chand Jain

S/O Late Sh. Ghasi Ram Jain

Present Address: WZ- 596, Palam Village, New Delhi-110045

Phone: +91-9899752162/ +91-9999182549