

**CENTRAL INFORMATION COMMISSION**  
August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066

F. No. **CIC/YA/C/2016/000132**

Date of Hearing : **17.07.2017**  
Date of Decision : **17.07.2017**  
Appellant/Complainant : **C.K. Sharma**  
Respondent : **North Delhi Municipal Corpn.,**

**Through:**  
**Shri Ishwar Chand**

**Information Commissioner : Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

RTI application filed on : 29.12.2015  
PIO replied on : -  
First Appeal filed on : -  
First Appellate Order on : -  
2<sup>nd</sup> Appeal/complaint received on : 04.05.2016

**Information sought and background of the case:**

Vide RTI application dated 29.12.2016; the complainant sought the following information:

1. *Is the Commissioner MCD, North Zone is aware that House No.1143, Kucha Harjasmal, Bazar Sita Ram, Hauz Kazi, Delhi – 110006 has been demolished?*
2. *And the Owner/Contractor is planning to construct another building after demolition of the same?*
3. *Has the Corporation authorised such owner/contractor to construct a new building there upon?*
4. *Has any building plan been approved by the building department of your zone?*
5. *If any building plan has been approved, what are the details of the approval along with the date of approval?*
6. *If the plan of the building has not been approved, will the concerned authority stop the unauthorised construction till necessary approval/sanction has been taken by the owner/contract?*

After the present appeal was scheduled receipt of hearing notice from Central Information Commissioner, PIO/AMS submitted as under:

*“The office record of Municipal Secretary Office has been checked properly and found that no application under RTI Act, 2005 in the name of Sh. C.K. Sharma was received. However, the copy of this notice is being forwarded to the Nodal Officer/RTI/ADC.Hq/Civic Centre for tracing the references if any, received and further forwarding to concerned PIO for attending the Hearing on 17.07.2017 at 11.00 am.”*

**Relevant facts emerging during hearing:**

The appellant is absent. Respondent from the office of Municipal Secretary is present and heard. He states that the RTI application was never received in the office of Municipal Secretary. As per the record, the RTI application was addressed to the Commissioner, North DMC. Upon a query from the Commission, the respondent officer present apprises that Nodal Officer RTI/ADC Hq. is the PIO responsible for dealing with all RTI applications addressed to Commissioner, North DMC. He states that the office of Municipal Secretary is not the custodian of information sought.

Upon further query, the respondent states to have duly intimated PIO/ADC, Hq regarding the present hearing scheduled before this Commission with a request to tracing the RTI application under reference. He places a copy of the letter dated 06.07.2017 on record.

**Decision:**

After hearing the respondent and perusal of record, the Commission finds that the RTI application remained unreplied. A prima facie instance of having caused obstruction in flow of information is made out against the then PIO/ADC Hq. The registry is directed to serve show cause notice to the then PIO/ADC Hq, North DMC, Civic Centre in whose tenure the RTI application was received by public authority. The notice shall be served through present PIO/ADC Hq, North DMC. Reply to the notice, if any, must reach Commission by **07.08.2017**. Further hearing if deemed necessary shall be scheduled in due course.

The RTI application as well as the complaint preferred by the complainant is a grievance letter, in essence. Accordingly, the complaint is being taken up as a appeal and the PIO is directed to collate information from the quarter concerned and furnish the same to appellant within 2 weeks. In addition, the present Nodal officer/PIO/ADC (HQ) is directed to explain reasons for his absence in the course of hearing and action taken upon the RTI application, in writing by **07.08.2017**.

**(Yashovardhan Azad)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(R.P.Grover)**  
**Designated Officer**

Copy to:-

<b>C K SHARMA</b> <b>House No.-1100, KUCHA</b> <b>HARJASMAL, GALI RAJA</b> <b>AGRASEN, BAZAAR SITA RAM,</b> <b>DELHI-110006.</b>	<b>Public Information Officer under</b> <b>RTI</b> <b>Asst. Municipal Secretary &amp;</b> <b>PIO / HQ., North Delhi</b> <b>Municipal Corporation, 4th</b> <b>Floor, Dr. S.P.M. Civic</b> <b>Centre, Minto Road, New</b> <b>Delhi-110002.</b>
<b>First Appellate Authority under</b> <b>RTI</b> <b>Municipal Secretary &amp; FAA /</b> <b>HQ., North Delhi Municipal</b> <b>Corporation, 4th Floor,</b> <b>R.N.-401, Dr. S.P.M. Civic</b> <b>Centre, Minto Road, New</b> <b>Delhi-110002.</b>	