

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/A/2016/001173

Appellant : Shri Vijay Kumar Garg
F- 49, Vishal Colony, Nangloi, Delhi- 110041.

Public Authority : The PIO
DDA, O/o the Supt. Engineer South West
Zone-9, Kendriya Nursery, Sec- 5 Dwarka, New Delhi- 110075.

The PIO
DDA, O/o EX. Engineer
Civil circle- 2, Manglapuri New Delhi- 110045

Date of Hearing : 16.12.2016
Date of Decision : 16.12.2016

Presence:

Appellant : Absent
CPIO : Shri Arun Kumar Badodia, Ex. Eng. & PIO

FACTS:

- I. Vide RTI application dated **28.03.2016**, the Appellant sought information on **7 issues**.
- II. CPIO, vide its response dated **11.05.2016**, has provided the part information to the Appellant.
- III. The First Appeal (FA) was filed on **05.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **19.05.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **26.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **28.03.2016**, sought information from the respondents on **seven issues**. Respondents, vide their response dated **11.05.2016**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **05.05.2016** before the FAA, who vide his order dated **19.05.2016**, upheld the decision of PIO. Hence, a Second Appeal before this Commission.

2. During hearing of the appeal, it is submitted by Shri Arun Kumar Badodia, Ex. Eng. & PIO, that respondents vide their response dated **11.05.2016**, has provided the required information to the appellant on his RTI application dated 28.03.2016. It is further submitted by him that learned FAA, vide his order dated **19.05.2016**, disposed of the appellant's FA dated 05.05.2016 by upholding the views of PIO.
3. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **28.03.2016** and respondent's response dated **11.05.2016**, it is revealed to the Commission that the respondents have provided the required information against **issues no. (a), (d), (e), (f) & (g)**. However, respondents have **denied** the required information, against **issues no. (b) & (c)**, to the appellant by taking a plea of Third Party Information.
4. Further, the Commission posed a query to Shri Arun Kumar Badodia, Ex. Eng. & PIO, as to whether respondents have asked the Third Party, under Section 11 of the RTI Act 2005, to give his comments for providing the required information to the appellant or not. On this very aspect, it is submitted by Shri Arun Kumar Badodia, Ex. Eng. & PIO, that respondents **failed to seek the comments from the Third Party** before denying the required information to the appellant. Thus, this shows the **latches** on the part of respondents. In view of this, the respondent's response dated 11.05.2016 deserves to be quashed partly so far the reply on issue no. **(b) & (c)** is concerned. Therefore, it is hereby quashed & set aside accordingly. Rest of the reply seems to be correct. Thus, upheld.
5. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **28.03.2016**, respondent's response dated **11.05.2016**, FAA's order dated **19.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
6. In view of the position above and in the circumstances of the case, the Commission feels that it would be appropriate and even justified to allow the appellant's Second

Appeal partly i.e. against **issues no. (b) & (c)**. Thus, it is **allowed accordingly**. Further, the respondents are hereby directed to seek the comments from Third Party, under **Section 11 of the RTI Act 2005** in respect of **issues no. (b) & (c)** of the RTI application dated **28.03.2016** and reply the appellant accordingly, within 30 days from the date of receipt of this order under intimation to this Commission.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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