

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001197

Appellant : Shri Rajesh  
S/o. Sh. Jagat Singh  
R/o. House No. 1286/31  
Kamla Nagar, Rohtak, Haryana-124001

Public Authority : The Sr. R. O. (RTI) & CPIO  
DDA, RTI implementation and Co-Ordination Branch,  
C-Block, 3rd Floor, Vikas Sadan,  
NA, New Delhi-110023  
The Dy. Director (Residential) & CPIO  
DDA, C-3, 3rd Floor, Vikas Sadan INA, New Delhi – 110023

Date of Hearing : 03.10.2016  
Date of Decision : 03.10.2016

## Presence:

Appellant : Shri Rajesh  
CPIO : Shri Chhatar Pal, Asst. Director (LA) & PIO

## FACTS:

- I. Vide RTI application dated **16.02.2016**, the Appellant sought information on **6 issues**.
- II. CPIO, vide its response dated **19.04.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **06.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **10.06.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

Appellant as well as respondent 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 **16.02.2016**, sought information from the respondents on **6 issues**. Respondents, vide their response

dated **19.04.2016**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **06.04.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **19.04.2016**, **denied** the required information to the appellant by stating that the required information pertains to Third Party Information.
3. On being queried by the Commission to Shri Chhatar Pal, Asst. Director (LA) & 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 Chhatar Pal, Asst. Director (LA) & PIO, that respondents **failed to seek the comments from the Third** before denying the required information to the appellant. Thus, this shows the **latches** on the part of respondents. As such, CPIO's response dated **19.04.2016**, deserves to be **quashed and set aside**. Therefore, it is hereby quashed and set aside being **not legally tenable**.
4. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **16.02.2016**, respondent's response dated **19.04.2016**, other material made available on record and also the grounds of memorandum of second appeal.
5. 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 in toto. Thus, allowed. Further, the respondents are hereby directed to seek the comments from Third Party under **Section 11 of the RTI Act 2005** and reply the appellant on his RTI application dated 16.02.2016 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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