

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/2016/001207

Appellant : Shri R.P. Gupta
B-102, True Friends CGHS Ltd.
Plot No. 29, Sec-6, Dwarka, New Delhi-110075

Public Authority : The Dy. Director (Bldg.) L&I & PIO
DDA, Building Section, VikasSadan
INA, New Delhi-110023

Date of Hearing : 04.10.2016

Date of Decision : 04.10.2016

Presence:

Appellant : Shri R P Gupta
PIO : Absent

FACTS:

- I. Vide RTI application dated **08.10.2015**, the Appellant sought information on sole issue.
- II. PIO, response is not on record.
- III. The First Appeal (FA) was filed on **26.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **20.06.2016**, has provide the information to the Appellant.
- V. Grounds for the Second Appeal filed on **21.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

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

DECISION

It would be seen here that the appellant, vide his RTI Application dated **08.10.2015**, sought information from the respondents on **sole issue**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, FA was filed by the appellant on **26.05.2016** before the FAA, who vide his order dated **20.06.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. During hearing of the appeal, it is submitted by the appellant that he vide his RTI application dated **08.10.2015**, has sought the information which reads as, "Building & Floor

Plan- Sanctioned Blue Print”. However, respondents could not bother to respond the appellant’s RTI application dated 08.10.2015. Further, Shri Surajit Jaradhara, Director (Bldg.) & FAA, DDA, vide his order dated **20.06.2016**, disposed of the appellant’s FA dated 26.05.2016, by observing as under:

“Since the information sought was third party information , hence Notice under Section 11 of the RTI Act was issued to True Friends CGHS Ltd. vide letter of even No. dt. 13.10.2015 for obtaining consent. The society vide its letter dated 10.11.2015 intimated that as per the conveyance deed submitted in their officer, the area of the flat is 110 sq mtrs. The copy of the said letter is enclosed herewith for information.”

3. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **08.10.2015** and FAA’s order dated **20.06.2016**, it is revealed to the Commission that the respondents have not responded the issue raised by the appellant in his RTI application. Thus, the Commission feels that FAA’s order dated **20.06.2016** is **not legally tenable** and deserves to be quashed and set aside. Therefore, it is hereby quashed and set aside.
4. The Commissioner heard the submissions made by appellant at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **08.10.2015**, FAA’s order dated **20.06.2016**, other material made available on record and also the grounds of memorandum of second appeal.
5. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than eleven months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant’s second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
6. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

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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