

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/2016/001211

Appellant : Shri Sudesh Kumar Goyal
A-35, Amar NathMonga Block
Tishazari Courts, Delhi-110054

Public Authority : The Dy. Director (CL) & PIO
DDA, A-Block, 2nd Floor, VikasSadan,
INA, New Delhi-110023

Date of Hearing : 29.09.2016
Date of Decision : 29.09.2016

Presence:

Appellant : Absent
PIO : Shri Rajesh Kumar, Asst. Director

FACTS:

- I. Vide RTI application dated **01.04.2016**, the Appellant sought information on **4 issues**.
- II. PIO, response is not on record.
- III. The First Appeal (FA) was filed on **09.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Second Appeal filed on **11.07.2016**, 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 **01.04.2016**, sought information from the respondents on **4 issues**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, appellant filed his FA on **09.05.2016** before 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. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **01.04.2016** and learned FAA has disposed of the first appeal dated **09.05.2016** filed by the appellant under **section**

19(1) of the RTI Act 2005 or not. On this very aspect, it is admitted by Shri Rajesh Kumar, Asst. Director, that neither appellant's RTI application dated **01.04.2016** was responded properly by the respondents nor FA dated **09.05.2016** was disposed of by learned FAA. However, Shri Rajesh Kumar, Asst. Director, is not in position to give any **plausible reasons** in this regard except the **lame excuses**. It also shows that officer of DDA has been acting at his **whims and fancies** and not in accordance with the law.

3. 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 **01.04.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 five 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 it would be appropriate and even justified to allow the appellant's **second appeal in toto instead of remanding back to learned FAA for disposal of FA which is even more time consuming**. Therefore, it is allowed in toto.
5. 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

The Dy. Director (CL) & PIO
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