

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/2016/001235

Appellant : Shri Zahrul Hasan
Managar, Anjuman-E-Haideri (regd.)Delhi
Dargah Shahe Mardan, Karbala, Aliganj
JorBagh, New Delhi-110003

Public Authority : The Dy. Director (S&S) IP & CPIO
DDA, Land Management, S&S-II
A-Block, 3rd Floor, Vikas Sadan, INA
New Delhi-110023

Date of Hearing : 29.09.2016

Date of Decision : 29.09.2016

Presence:

Appellant : Shri Bahadur Abbas Naqvi, Authorized by the Appellant
CPIO : Shri Satya Narayan, Dy. Director & PIO

FACTS:

- I. Vide RTI application dated **08.04.2016**, the Appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **03.05.2016**, denied the information be stating that the matter is sub-Judice.
- III. The First Appeal (FA) was filed on **09.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **16.06.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **08.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Shri Bahadur Abbas Naqvi, on behalf of 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 **08.04.2016**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **03.05.2016**, allegedly denied the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **09.05.2016** before the FAA, who vide his order dated **16.06.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **03.05.2016**, **denied** the required information to the appellant on the ground that the matter is being **Sub-Judice**.. However, a query was raised by the Commissioner to Shri Satya Narayan, Dy. Director & PIO, as to whether Hon. Court of Law, where the matter is Sub-Judice, has granted a stay in providing the required information to the appellant on his RTI application or not. On this very aspect, it was replied by Shri Satya Narayan, Dy. Director & PIO, **in negative**. Thus, it may be legally inferred that **respondents are under legal obligation to respond** the appellant's RTI application dated **08.04.2016**, in the light of provisions of RTI Act 2005.
3. Furthermore, learned FAA, vide his order dated **16.06.2016**, disposed of the FA by upholding the views of CPIO, **without considering the above aspect**. As such, CPIO's response dated **03.05.2016** and Learned FAA's order dated **16.06.2016**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**.
4. The Commissioner heard the submissions made by Shri Bahadur Abbas Naqvi, on behalf of 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 **08.04.2016**, respondent's response dated **03.05.2016**, FAA's order dated **16.06.2016**, 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 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 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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