

# 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/2016/001261

Appellant : Shri A.S. Verma  
E-162, Richmond Park  
DLF City, Phase-IV, Gurgaon-122002

Public Authority : The Dy. L&DO/CPIO  
M/o. Urban Development,  
Land & Development Office, Nirman Bhawan,  
New Delhi-110011

Date of Hearing : 06.10.2016  
Date of Decision : 06.10.2016

## Presence:

Appellant : Shri Dinesh Atri, Authorized by the Appellant  
CPIO : Shri Rajeev Kumar, Dy. L&DO & CPIO

## FACTS:

- I. Vide RTI application dated **08.01.2016**, the Appellant sought information on **2 issues**.
- II. CPIO, vide its response dated **01.04.2016**, denied the information u/s 8 (1) (j).
- III. The First Appeal (FA) was filed on **15.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Second Appeal filed on **11.05.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

Shri Dinesh Atri, 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 **08.01.2016**, sought information from the respondents on **2 issues**. Respondents, vide their response dated **01.04.2016**, allegedly **denied** the required information to the appellant by taking a plea under **section 8(1) (j) of the RTI Act 2005**. Being aggrieved by the aforesaid response, FA was filed by the appellant on **15.03.2016** 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. The Commission posed a query to Shri Rajeev Kumar, Dy. L&DO & CPIO, as to whether first appeal dated **15.03.2016** filed by the appellant under **section 19(1) of the RTI Act 2005** before the Learned FAA was disposed of or still pending. On this very aspect, it is admitted by Shri Rajeev Kumar, Dy. L&DO & CPIO, that First Appeal filed by the appellant could not be disposed of by the learned FAA. However, he could not explain the reasons for non disposal of the First Appeal dated **15.03.2016**.
3. The Commissioner heard the submissions made by Shri Dinesh Atri, 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 **08.01.2016**, respondent's response dated **01.04.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on **15.03.2016**, **in accordance with the provisions of RTI Act 2005**, and after giving an opportunity to the appellant of being heard, **within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.
5. The appellant is further granted a **liberty** to move a second appeal, under **section 19(3) of the RTI Act 2005**, before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

With these observations, the appellant's second appeal is hereby disposed of.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Dy. L&DO/CPIO

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