

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/2016/001265**

Appellant : Shri Charan Singh Dahiya
C/o. G-160, 1st Floor, Dilshad Colony
Delhi-110095

Public Authority : The Dy. Director (IL)
DDA, A-Block, 2/210, Vikas Sadan
INA, New Delhi-110023

The Dy. Director (OSB)
DDA, A-Block, 2/202, 2nd Floor,
VikasSadan, INA, New Delhi-110023

Date of Hearing : 29.09.2016

Date of Decision : 29.09.2016

Presence:

Appellant : Shri Mahesh Pandey, Authorized by the Appellant
PIO : Shri Tejpal Singh, Dy. Director & PIO

FACTS:

- I. Vide RTI application dated **29.01.2016**, the Appellant sought information on **5 issues**.
- II. CPIO, vide its response dated **03.02.2016**, **12.05.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **29.03.2016**, **03.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **19.04.2016**, transferred to concern FAA.
- V. Grounds for the Second Appeal filed on **08.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Shri Mahesh Pandey, 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 **29.01.2016**, sought information from the respondents on **5 issues**. Respondents, vide their response dated **03.02.2016**, **12.05.2016**, allegedly **transferred** the appellant's RTI application to the

concerned Public Authority for taking necessary action. Being aggrieved by the aforesaid response, FA was filed by the appellant on **29.03.2016 & 03.05.2016** before the FAA, who vide his order dated **19.04.2016**, transferred the same to the concerned FAA for taking necessary action. 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 **29.01.2016** and learned FAA has disposed of the first appeal dated **03.02.2016** filed by the appellant under **section 19(1) of the RTI Act 2005** or not. On this very aspect, it is admitted by Shri Tejpal Singh, Dy. Director & PIO, that neither appellant's RTI application dated **29.01.2016** was responded by the respondents nor FA dated 03.02.2016 was disposed of by learned FAA. However, Shri Tejpal Singh, Dy. Director & PIO 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 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 **29.01.2016**, respondent's response dated **03.02.2016, 12.05.2016**, FAA's order dated **19.04.2016**, 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 eight 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

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