

CENTRAL INFORMATION COMMISSION

August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/KY/A/2016/001283**

Date of Hearing : **17.07.2017**
Date of Decision : **16.08.2017**
Appellant/Complainant : **Kul Bhushan Jain**
Respondent : **PIO, Delhi Development Authority**
Through:
Shri Rakesh Kumar
Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 25.01.2016
PIO replied on :
First Appeal filed on : 15.04.2016
First Appellate Order on : 06.07.2016
2nd Appeal/complaint received on : 03.08.2016

Information sought and background of the case:

Vide RTI application dated 25.01.2016 the appellant while relying upon minutes of meeting dated 25.05.1998 of Committee constituted under Chairmanship of Secretary, Land Department to scrutinize cases of alternative plots in lieu of land acquired by GNCTD.; sought to know details of any litigation initiated before Delhi High Court by the persons whose claims were rejected by the aforesaid committee. PIO vide letter dated 23.05.2016 informed the appellant that no such information/record was available in this branch. Being not satisfied with the response, the appellant filed an appeal. The FAA vide order dated 06.07.2016 upheld the decision of PIO. Feeling aggrieved, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both the parties are present and heard. The appellant states that his plot was acquired in year 1960 where the present day Patparganj area in Delhi is situated. He states that neither compensation amount nor alternative plot was granted by the Govt. in lieu of land acquisition. In this regard, a Committee of Land & Building Department is stated to have rejected the

claim of appellant and 48 other similarly situated claimants in year 1998. In this backdrop, the appellant states to have sought details of any case filed before Delhi High Court against Land Department by any of the said 48 persons whose claims were rejected. He states that a clear reply was not provided by the PIO. Per contra, the PIO states that the claim of appellant was rejected by the empowered Committee. The PIO states that no record is available with them to ascertain if some claimant approached the Delhi High Court or not. However, the appellant contends that the case of few claimants is pending before the Delhi High Court and the PIO ought to have involved the Legal Department to answer his queries.

Decision:

After hearing the parties and perusal of record, the Commission finds that the RTI application was not replied to properly. The PIO ought to have forwarded the RTI application to the Legal Wing. The nature of information sought is basic and there is no impediment in disclosure of the same. Accordingly, the PIO is directed to collate information from the Legal Department and furnish the same to the appellant within 2 weeks of receipt of this order.

The appeal is allowed accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-
