

CENTRAL INFORMATION COMMISSION

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

F. No. CIC/SA/A/2016/001942

F. No. CIC/SA/A/2016/2016/001943

Date of Hearing : 18.08.2017
Date of Decision : 18.08.2017
Appellant/Complainant : Ramesh Kumar
Respondent : PIO/ DUSIB
Through:- Dr. S Roy Biswas – Dy.
Director
Information Commissioner : **Shri Yashovardhan Azad**

Relevant facts emerging from appeal:

RTI application filed on : 19.12.2015, 29.12.2015
PIO replied on : 09.03.2016, 11.01.2016
First Appeal filed on : 05.04.2016, 19.02.2016
First Appellate Order on : 12.05.2016, 22.04.2016
2nd Appeal/complaint received on : 19.07.2016, 19.07.2016

Information sought and background of the case:

Vide RTI application dated 19.12.2015, the appellant sought status of his complaints and action taken report relating to Plot No.551, Pocket 11, Sector-6, Narela, Delhi under 10 points. It is also mentioned that Hon'ble CIC in its decision No.CIC/SA/A/2015/00862 dated 24.11.2015 directed the PIO to comply with the order of FAA but the same has not been provided so far. CPIO vide letter dated 09.03.2016 furnished pointwise reply as available on record. Being dissatisfied with the response of public authority, the appellant filed an appeal. The FAA vide order dated 12.05.2016 observed as under:

“The PIO has supplied the information vide letter No.DD(SUR)/DUSIB/2016/D-178 dated 09.03.2016 i.e. within the stipulated period required for submitting the reply under RTI Act and passed the following order:

- 1. As per the provisions of RTI Act 2005, the question cannot be asked. Only available information as per record is to be supplied.*

2. *The appellant has alleged in the appeal that the documents provided by the PIO are illegible. Therefore, PIO is directed to provide the fresh copy of documents in legible form to the appellant within 07 days.*
3. *PIO is directed to given opportunity to the appellant to visit office and also allow to inspect the files.”*

Vide another RTI application dated 29.12.2015 on the same issue, the CPIO informed the appellant on 11.01.2016 to contact the office and obtain the information. In response to the letter of the PIO dated 11.01.2016, the appellant requested to be provided information about the relevant documents free of cost. FAA vide order dated 22.04.2016 directed the PIO to send point-wise reply to the appellant.

Feeling aggrieved over non-compliance of FAO, the appellant approached the Commission.

Relevant facts emerging during hearing:

Appellant has not appeared while the Respondent appeared during the hearing and submitted that the allotment *per se* has been cancelled and the appellant has been informed accordingly. He has also been granted opportunity to inspect the files, which was not availed by him. Both RTI applications pertain to same queries but are only dated differently. The illegal allotment though cancelled, no information has been provided about action, if any taken against the wrongdoer.

Decision:

After hearing parties and perusal of record, the Commission notes that as per submissions of the Respondent, information about cancellation of the allotment has been provided to the appellant. The appellant has not appeared to put forth his contentions. Under the circumstances, the Commission hereby directs the Respondent to provide a Revised Reply clarifying: 1) the cancellation of the allotment and 2) information as to whether any action has been taken against the delinquent official responsible for the illegal allotment. This information should be furnished within two weeks of receipt of this order and compliance of the same to be reported before the Commission within a week thereafter.

The appeals are disposed of with the above direction.

(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:-

RAMESH KUMAR QUARTER No. - 344, SECTOR-1, TYPE-3, SADIQ NAGAR, POST OFFICE - ANDREWS GANJ, NEW DELHI-110049. Delhi	Public Information Officer under RTI, Office of the Deputy Director-(SUR), Delhi Urban Shelter Improvement Board (Government of NCT of Delhi), (SUR Section), H-9, Vikas Kuteer, I. P. Estate, New Delhi-110002.
First Appellate Authority under RTI O/o. the Director-(SUR) & FAA, Delhi Urban Shelter Improvement Board (Government of NCT of Delhi), Room No.-10, Punarwas Bhawan, I. P. Estate, New Delhi-110002.	

