

**CENTRAL INFORMATION COMMISSION**

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

**F. No. CIC/YA/A/2016/002144**

**Date of Hearing** : **23.08.2017**  
**Date of Decision** : **25.09.2017**  
**Appellant/Complainant** : **Prem Prakash Prajapati**  
**Respondent** : **PIO /Ex.Eng.(Bldg, Narela Zone North DMC**  
**Information Commissioner** : **Through:-  
Shri  
Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

RTI application filed on : 31.07.2015  
PIO replied on : 08.10.2015  
First Appeal filed on : 07.11.2015  
First Appellate Order on : 17.02.2016  
2<sup>nd</sup> Appeal/complaint received on : 27.07.2017

**Information sought and background of the case:**

Vide RTI application dated 31.07.2017, the appellant sought copy of document issued by MCD wherein it is mentioned that sanction of building plan is mandatory to rebuild an old house situated in village abadi (Lal dora) and also sought a copy of layout plan of Khampur Village, Delhi. CPIO vide letter dated 08.10.2015 advised the appellant to check MPD-20121 and Building Bye LawS. Being dissatisfied on the response, the appellant filed an appeal on 07.11.2015. The FAA vide order dated 17.02.2016 directed the PIO to provide the photocopy of orders issued by the competent authority mentioning the sanction of Building Plan is mandatory to rebuild the house in Lal Dora. Feeling aggrieved over non-compliance of FAO, the appellant approached the Commission.

**Relevant facts emerging during hearing:**

Both the parties are present. The Appellant states that MCD insists on building plan sanction prior to commencement of house building activity even in Lal Dora revenue areas. He question the very policy of MCD to regulate the building activity in lal dora areas in Delhi, which admittedly are thickly populated areas having no record of land holding. In this context, the appellant sought to know the policy of MCD. Per contra, the respondent states that the Master Plan for Delhi doesn't differentiate between Lal Dora land and the non lal dora land. He states that the policy in this regard is clear. The PIO places a copy of MCD circular No. TP/G/3426/11 dated 28.09.2011 which lays criteria w.r.t. sanctioning of building plans in Lal dora areas within Delhi. The same is taken on record. Upon a query from the Commission as to why a copy of the said circular was not made available to the Appellant at the time of replying to his RTI application, the PIO states that the said circular has been made available to the Appellant in compliance of the FAO.

**Decision:**

After hearing parties and perusal of record, the Commission finds that information sought has been furnished albeit with avoidable delay. The compliance of FAO dated 17.02.2016 has been made by the PIO on 24.07.2017. The delay occasioned is not explained by the PIO. The recently made compliance is a delayed & botched attempt to keep penalty proceedings at bay, which does not absolve the then PIO from his liability.

The registry is directed to issue Show cause notice for maximum penalty to the then PIO who did not comply with the FAO dated 17.02.2016. Notice shall be served upon the noticee through the FAA as well as PIO. Reply, if any must reach the Commission by \_\_\_\_\_. Show cause hearing, if deemed necessary shall be scheduled in due course.

**(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:-
