

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/A/2016/000027**
CIC/YA/A/2016/000367

Date of Hearing : **29.11.2016**
Date of Decision : **29.11.2016**
Appellant/Complainant : **Shri Subhash Sethi, Delhi**
Respondent : CPIO, South Delhi Municipal Corporation, Delhi
Through:
Sh. R K Chhabra, APIO
Information Commissioner : Shri Yashovardhan Azad

Since common parties are involved in the present appeals, they are being clubbed together for hearing and disposal to avoid multiplicity of the proceedings.

Relevant facts emerging from appeal:

| Case No. | RTI filed on | CPIO reply | First appeal filed | FAA order | 2 nd appeal filed on |
|----------|--------------|------------|--------------------|------------|---------------------------------|
| 0027 | 08.04.2015 | 20.04.2015 | 12.05.2015 | 05.06.2015 | 21.12.2015 |
| 0367 | 08.04.2015 | 20.04.2015 | 12.05.2015 | 05.06.2015 | 03.02.2016 |

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Information sought and background of the case:

The appellant vide RTI application dated 08.04.2015 sought information under 5 points regarding Mutation in Property Tax Office.
CPIO vide letter dated 20.04.2015 states as under:

In this regard, it is informed you, no information has been sought for in the application in para 1 to 5, hence no information can be provided. In last para the intimation sought does not come under the purview of RTI Act, 2005.

The appellant preferred first appeal. FAA vide order dated 05.06.2015 stated as under:

The appellant appeared in person and stated that he needs no further information, but wants that a policy should be framed by SDMC not to sanction building plan of any property without 'No Dues Certificate' from the concerned property tax office. He was informed that it is a good proposal and shall be considered by the department. The appeal is disposed off accordingly.

Feeling aggrieved the appellant approached the Commission.

Relevant facts emerging during hearing:

During the hearing both parties appeared and reiterated their respective contentions. The appellant seeks to know action taken to prevent sanctioning of building plan without obtaining No Dues certificate from the concerned house tax office in the interest of public and the department. The Respondent has submitted a written note dated 24.11.2016 issued by the PIO stating that during the hearing before the FAA, it was clarified by the appellant that he seeks a policy to be framed by SDMC not to sanction building plan to any property without obtaining 'No Dues Certificate' from the concerned House Tax Department. It has further been submitted by the Respondent that the matter has been discussed with the Building department and they provided a copy of Office Order dated 17.12.2004 regarding cutting down of procedural delay in sanctioning of building plan. The said Office Order mentions clearly that "No dues certificate need not be insisted in future". Furthermore, the Respondent has placed reliance on the Building Bye Laws No. 2.12.5 of Building Deptt. which states that "**latest receipt of Property Tax payment from House Tax department of the Municipal Corporation**" is required to be submitted for building permit. The Respondent has clearly stated that since the RTI of the appellant dealt with a suggestion which can be approved by the competent authority, the same has been put up before them for consideration.

Decision:

After hearing parties and perusal of record, the Commission opines that the issue raised by the appellant is aimed at achieving better governance by reducing a lot of public inconvenience and corruption and thus merits due consideration and expeditious action by the authorities concerned. As mentioned in his RTI application purchasers of new property while applying for mutation in the House Tax Department have to experience great difficulties because of pending dues of previous owners. Hence if 'no dues' is

obtained by the owner of the building before selling the property, it would be of great benefit to the buyers. Hence the suggestion by the appellant that before sanctioning any building plan, no dues certificate should be insisted upon.

The proposal is certainly in public interest and should be considered seriously by the MCD. As far as the reply to the RTI is concerned, the First Appellant Authority had already stated that the matter shall be considered by the department.

A copy of this order shall be marked to the Commissioners of North, South, East MCD as well as Chairman of NDMC to study the recommendation of the appellant and take an appropriate decision in the matter.

The appeal is disposed of 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:-

**Public Information Officer under RTI
Deputy Assessor & Collector / HQ.,
South Delhi Municipal Corporation,
Assessment & Collection Department / HQ.,
20th Floor, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi-110002.**

**First Appellate Authority under RTI
Assessor & Collector / HQ.,
South Delhi Municipal Corporation,
Assessment & Collection Department / HQ.,
20th Floor, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi-110002.**

**Shri Subhash Sethi
House No. - F-9/3,
Malviya Nagar,
New Delhi-110017.**