

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

F. No. **CIC/YA/C/2016/000039**

Date of Hearing : **03.11.2016**  
Date of Decision : **03.11.2016**  
Appellant/Complainant : **Shri Pankaj Agarwal, Delhi**  
Respondent : CPIO, New Delhi Municipal Council, Delhi  
Through:  
Shri R.K. Chhabra, APIO  
Ms. Holika Tigga  
**Information Commissioner : Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

RTI application filed on : 05.07.2014  
PIO replied on : 09.07.2014 & 10.07.2014  
First Appeal filed on : Did not file FA  
First Appellate Order on : No order passed  
2<sup>nd</sup> Appeal/complaint received on : 02.02.2016

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

The complainant vide RTI application dated 05.07.2014 sought information under 7 points regarding details of Environment Impact Assessment related with setting up of an incinerator near Green Park Crematorium. CPIO vide letter dated 09.07.2014 returned the RTI Application indicating that it does not pertain to NDMC and validity of IPO attached has already expired. CPIO again replied on 10.07.2014. Feeling aggrieved the complainant approached the Commission.

**Relevant facts emerging during hearing:**

The appellant chose to remain absent despite notice. The respondent is present and states that a reply has been sent to the appellant on 22.07.2014 from PIO/Project, NDMC indicating that Green Park does not within the jurisdiction of NDMC, but it falls within the control of SDMC. In view of the

prayer of the complainant, his complaint is converted into appeal for proper adjudication.

**Decision:**

After hearing parties and perusal of record, the Commission notes with concern the sorry state of affairs in the NDMC where one hand does not know the function of the other. Instead of transferring the RTI application to the appropriate authority, PIO/Project simply replied that the Green Park is not in NDMC area. This calls for initiation of penal proceedings against the PIO (Project), NDMC and accordingly the Commission directs the registry of this Bench to issue a Show Cause notice upon Sh A.W.Ansari, PIO (Project), Project Department, 7<sup>th</sup> Floor, NDMC Building, Palika Kendra, Sansad Marg, New Delhi for dereliction of duty and inappropriate handling of the RTI application, causing deliberate obstruction of information by giving evasive response. Reply to the Show Cause should reach the Commission within two weeks of receipt of this order and Show Cause hearing shall be scheduled on 08.12.2016 at 3pm.

The Commission directs the public authority to transfer the RTI application under section 6(3) immediately and PIO/SDMC may be advised to send a reply to the appellant within 3 weeks of receipt of this order under intimation to the Commission.

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  
Centralized RTI Cell,  
New Delhi Municipal Council,  
Public Relations Department,  
Ground Floor, Palika Kendra, Sansad Marg,  
New Delhi-110001.**

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

**Shri Pankaj Agarwal  
B-3/55,  
Safdarjung Enclave,  
New Delhi-110029.**