

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

F. No. **CIC/YA/C/2016/000073**

Date of Hearing : **03.11.2016**
Date of Decision : **03.11.2016**
Appellant/Complainant : **Shri Dipan Kapur, Delhi**
Respondent : CPIO, North Delhi Municipal Corporation
Through:
Shri R.K.Saxena, AE(B)
Shri G.P.Sharma AE(M II)
Dr. A.K.Rawat, DHO/KB
Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 30.10.2015
PIO replied on : No reply
First Appeal filed on : Did not file FA
First Appellate Order on : No order passed
2nd Appeal/complaint received on : 18.03.2016

Information sought and background of the case:

The complainant vide RTI application dated 30.10.2015 sought information under 9 points regarding illegal licenses issued to owner/s of the eateries Ramesh Namkeen Bhandar and Punjabi Chicken Corner at Old Rajinder Nagar. CPIO did not respond to the RTI application. The complainant preferred first appeal but the same remained unheard. Feeling aggrieved the complainant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The complainant states that for the last many years the premises No.4 A/9 and 4 A/1 are being used for commercial purposes without having obtained any license from MCD for running such eateries viz. Chicken Corner and Namkeen Bhandar respectively. This is

causing huge pollution in the area and leads to gathering of bad and often anti social elements around the area. He also submitted that since the leftovers and/or waste emanating from the improperly disposed non vegetarian edibles, a foul smell constantly hangs in the air around the area, which is adversely affecting the inhabitants of the adjoining area including parents of appellant who are suffering from asthma and other diseases. He further states that both the shops noted above are running illegally and have huge unauthorised construction of 5 storeys above 15 mtrs. in height and have caused illegal encroachment over the adjoining Govt. land/footpath as well as the lane beside. The complainant sought to know as to how the licences were given without complying with the norms/guidelines set out by the MCD for running such shops selling edible items. The respondent states that information as available on record has already been provided to the appellant on 02.12.2015. He states that health trade licence was issued to M/s. Ramesh Namkeen Bhandar for sale of namkeen and confectionery items and this licence has been renewed for time to time. He also states that the premises are situated on notified commercial road as per MPD 2021. The Health Department, Karol Bagh Zone has conducted the food hygiene raids to remove temporary encroachment in the area. The respondent also states that it is a protected land constructed before 2007.

Decision:

After hearing parties and perusal of record, it is observed that queries of the applicant can be addressed appropriately only when the case is converted from a complaint to an appeal. Accordingly, the case is converted for proper adjudication. The Commission now directs the Respondent to provide clearly the rules/regulations/policies with respect to setting up and operation of a shop selling edible items. It is further directed that the Respondent shall submit an affidavit stating whether the appropriate norms/policies were followed by the two shops in question viz. Ramesh Namkeen Bhandar and Punjabi Chicken Corner at Old Rajinder Nagar, New Delhi. In the event there has been violation of the provisions of law, as is apparent from the complaint in this case, the Respondent shall explain what action has been taken on the complaint of the applicant. This detailed affidavit shall be deposed by an officer not less than the rank of the Executive Engineer and submitted before the Commission within two weeks of the receipt of this order.

The appeal is disposed of on the above terms.

(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
Assistant Commissioner / Karol Bagh,
North Delhi Municipal Corporation,
Karol Bagh Zone, Zonal Office,
Nigam Bhawan, D. B. Gupta Road,
Karol Bagh, New Delhi-110005.**

**First Appellate Authority under RTI
Deputy Commissioner / Karol Bagh,
North Delhi Municipal Corporation,
Karol Bagh Zone, Zonal Office,
Nigam Bhawan, D. B. Gupta Road,
Karol Bagh, New Delhi-110005.**

**Shri Dipan Kapur
House No. : 4A / 10,
Old Rajinder Nagar,
New Delhi-110060.**