

CENTRAL INFORMATION COMMISSION
Club Building, Old JNU Campus,
Opposite Ber Sarai, New Delhi 110067.
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Decision No. CIC/SG/A/2009/001327/4031
Appeal No. CIC/SG/A/2009/001327

Relevant Facts emerging from the Appeal:

Appellant : Ms. Neetu & Mr. Neeraj Kumar,
131-A First floor,
Arjun Nagar, New Delhi-110029

Respondent : Mr. Pawan Kumar Mr. V. V. J. Rajasekhar, PIO
Government of NCT of Delhi,
Office of the PIO/ADM (South-West),
Old Terminal Tax Building,
Kapashera, New Delhi 110029

RTI application filed on : 25.02.2009
PIO replied : 16.03.2009
First appeal filed on : 02.04.2009
First Appellate Authority order : 22.04.2009
Second Appeal received on : 25.05.2009

The Appellant had sought information regarding Sale Deed that has been executed on 21st August 2007 by Sh. Mohan Swaroop in favour of the applicants in respect of property no. the registered Sale Deed had not been received by the applicants even after lapse of more than 17 months and inspite of several reminders/ personal visits by the applicants.

S.No.	Information Sought	Reply of PIO
1.	Inform the date and dairy/dispatch no. by which the file was sent to higher a authorities.	The file was send vide diary no. 3245 dated 23.08.2007 and again on 29.08.2007 vide no.3279
2.	Inform the Name Designation and the complete address of the higher authorities to whom the file was sent.	Principal Secretary (Revenue)
3.	Inform the efforts made by the department till 07-10-2008 to trace out the original Sale Deed.	All the record has been searched in the office. The matter has been again submitted before Worthy DC (South-West) to resolve the issue.
4.	Inform the Name Designation and Posting Address of the erring officials who are responsible for non-delivering of Original SaleDeed to the Applicants till date.	As the matter is under process therefore the responsibility has not been fixed by the Department.
5.	Inform the action taken/ initiated by the department against the erring official and also inform the outcome of the same.	-Do-
6.	Inform the efforts made by the department to trace out the Original Sale Deed from 07.10.2008 to i.e. after giving the reply of RTI ID No.1259`	As mentioned in point no-‘C’.
7.	Inform that the department requires how much maximum time to deliver the Original Sale Deed to the Applicants?	The matter has been submitted before the Worthy DC (South-West) to resolve the issue and the order is awaited. The

		matter will be short out after having the directions from the higher authorities.
8.	Inform the further course of action in case the Original Sale Deed is not found by the department.	-Do-

Grounds for first appeal:

It had been informed that the Original Sale Deed was sent to higher authorities by SR-IX. The PIO had neither given the information sought nor gave any satisfactory reply for the same. After five months Sale Deed had not been delivered to the Appellant.

Order of First Appellate Authority:

The undersigned had gone through the application filed before the PIO and reply furnished to the Appellant. FFA was satisfied with the reply given by sub registrar. However the case was more of grievance redressal. The grievance of the applicants was genuine and it was incumbent on the department to come clear on the issue and take necessary action to get their deed registered. Sub Registrar was directed to immediately put up a not to this effect within a week, so that final decision could be taken expeditiously. The appeal was accordingly disposed off.

Grounds for Second Appeal:

The reply of PIO is not at all satisfactory and very vague. The Appellant has mentioned in his 2nd appeal that the contents of the order of FAA were contrary to what was discussed/ ruled during the course of hearing of the appeal.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Ms. Neetu & Mr. Neeraj Kumar

Respondent: Mr. Pawan Kumar on behalf of PIO Mr. V. V. J. Rajasekhar

In this case the appellant had given the same documents for registration duly stamped with stamp of Rs. 12600/- on 21 August 2007. He has been made to run from pillar to post to get the registered documents and he therefore filed a RTI application on 25/02/2009 asking about the fate of this. The PIO has given a reply on 16/03/2009 effectively stating that they are not able to locate the papers. The PIO states that the papers are not available. As far as the Commission can see the papers may well have been stolen. The public authority appears to have failed in providing service to the appellant and it must find some way of giving the documents and relief to the appellant.

The PIO is directed to find a way of giving a duplicate registered documents marked as original alongwith a certificate stating that the original stamped document has been stolen/lost.

Decision:

The Appeal is allowed.

The PIO will provide the certificate and the duplicate registered documents to the appellant before 20 July 2009.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005.

Shailesh Gandhi
Information Commissioner
8 July 2009

(In any correspondence on this decision, mentioned the complete decision number.)