

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2009/001770 & 1780/4793
Appeal No. CIC/SG/A/2009/001770

Relevant Facts emerging from the Appeal

Appellant : Mr. J. D. Kataria
9398, Tokriwalan,
Azad Market, Delhi – 110006.

Respondent 1 : Public Information Officer &
Superintending Engineer
Municipal Corporation of Delhi
O/o the SE, City Zone,
MLUG Car Parking, Asaf Ali Raod,
New Delhi – 110002.

Respondent 2 : Public Information Officer &
Assistant Commissioner
Municipal Corporation of Delhi
O/o the AC, City Zone,
MLUG Car Parking, Asaf Ali Raod,
New Delhi – 110002.

RTI application filed on : 18/03/2009
PIO replied : Not Replied
First appeal filed on : 24/04/2009
First Appellate Authority order : 05/06/2009
Second Appeal received on : 21/07/2009

Information Sought:

The Appellant in his RTI application has sought several queries regarding Tahbazari. He wanted to know when Tahbazari was allotted between 1990 to 2009 and asked the list of the same. He also wanted to know to whom it was allotted, whether any inspection was carried out before allotting Tahbazari, whether the original allottee still owns the Tahbazari, whether any order has been issued to Tahbazari owners to fix shutter in their shops and copy of the same order with the name of the authority who issued such order, details of the action taken by the Tahbazari owners on the order, whether any shop owners has been challaned, details of space allotted by Corporation, whether the allottee stills owns the same space, whether the Corporation has floated any draw and if any officer was present there, if so then name and designation of the officer, copy of the report of the draw, details of the raid which was conducted in February 2009 with details of seized goods, revenue generated by the Govt., whether any officers inform the shop owners about the raid to be conducted, name of the zone inspector and RC with the details of time since they had been appointment, whether they have not been transferred due to any political connections, details of their residence, whether they resides in private accommodation or given by the Corporation, details of action taken by the department on Tahbazari with the report and whether any shop owners can rent out to others.

Reply of the PIO;

The PIO/Asstt. Commissioner/City zone transferred the original application of the Appellant to Suptdg. Engineer/City Zone on 27/05/2009.

Ground of First Appeal:

Non-receipt of information from the PIO.

Order of the FAA:

The FAA in its order directed the PIO (SE/City Zone) and AC (City Zone) to provide the information to the Appellant within 15 days.

Ground of the Second Appeal:

Non-compliance of the order of the FAA by the PIOs..

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. J. D. Kataria

Respondent: Mr. R.P. Aggarwal (PIO), Shri Ansar Alam (APIO/Ex. Engg-Building)

The Appellant filed a RTI Application on 18/03/2009 enquiring about the number of *tehbazaris* on Hamilton Road in Kashmere Gate. He had also asked for other queries regarding this. Since the payment had not been made properly, Appellant was asked to pay cash as application fee which he did on 22/05/2009. The PIO City Zone transferred the Application on 27/05/2009 to the Civil Line zone since the roads fall in Civil Line Zone. The PIO Mr. R.P. Aggarwal admits that there are about 2000 *tehbazaris* in the City Zone. About 1500 files have been stolen. This is indeed a scandalous state of affairs. The PIOs of City Zone and Civil Zone is directed to put up a list of all the *tehbazaris* on the website of the MCD indicating whether the files are available or stolen. The PIOs are also directed to file a police complaint for the theft of the missing files.

Decision:

The Appeal is allowed.

The two PIOs of City Zone and Civil Line are directed to give the complete list of *tehbazaris* indicating the files which have been stolen to the Appellant before 30 September 2009. These lists will also be displayed on the website of MCD. A compliance report will be sent by both PIOs to the Commission before 5 October 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.

Shailesh Gandhi
Information Commissioner
14 September 2009

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

(GJ)