

CENTRAL INFORMATION COMMISSION

August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/KY/C/2016/000078/DFSDL**

Date of Hearing : **15.11.2017**
Date of Decision : **15.11.2017**
Appellant/Complainant : **Shri Sunil Kumar**
Respondent : **PIO/ Executive Engineer-(Build.)/
S.P. Zone, North Delhi Municipal
Corporation**

Through:

Shri Raj Kumar Verma, A.E.

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 07.01.2016
PIO replied on : -
First Appeal filed on : -
First Appellate Order on : -
2nd Appeal/complaint received on : 07.03.2016

Information sought and background of the case:

Vide RTI application dated 07.01.2016, the appellant sought information in form of action taken report on his complaint letters dated 19.06.2015, 24.06.2015, 21.09.2015 addressed to Deputy Commissioner, Sadar Pahar Ganj Zone directed against installation and operation of unauthorised mobile tower at F-7, Shastri Nagar, New Delhi- 110052. The PIO did not reply. Feeling aggrieved, the complainant approached the Commission u/s 18 of the RTI Act.

Relevant facts emerging during hearing:

Both the parties are present and heard. The Appellant states to have submitted numerous complaints against installation and operation of unauthorised mobile tower at F-7, Shastri Nagar. He state that while a majority of residents residing in close proximity are against operation of mobile tower, MCD did not take cognizance of the complaints as well as the RTI application. At the outset, the respondent concedes that no reply could be furnished earlier. Upon query from the Commission as regards the apparent lapse, the respondent present could not furnish any plausible explanation. He, however, placed before the Commission, a copy of reply dated 14.11.2017. A copy of the same is supplied to the complainant. A perusal of

the same reveals that the mobile tower in question had been booked for unauthorized construction and demolition action was undertaken on 06.01.2016. The appellant however reiterates that the mobile tower is still functional.

Decision:

After hearing parties and perusal of record, the Commission finds that information in the present case has been denied to complainant and no plausible explanation for the ex-facie lapse is adduced on record. Prima facie, the denial of information facilitated the illegal operation of the mobile tower.

The Commission directs the Registry to issue show cause to the then PIO for maximum penalty under the RTI Act, 2005. The notice shall be served upon the then PIO through the present PIO as well as FAA. Reply if any must reach the Commission by 15.12.2017. Show cause hearing shall be notified in due course.

Adjourned for penalty proceedings.

(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:-
