

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/C/2016/00295

Complainant : Shri R. N. Kaushik
62-C, DDA (LIG) Flats
Rampura, Delhi-110035

Public Authority : The Sr. R. O. (RTI) & PIO
DDA, Vikas Sadan, INA, New Delhi-110023

The Dy. Director (Plg.)
DDA, Planning Zone-G, 3rd Floor, Vikas Minar
ITO, New Delhi-110002

Date of Hearing : 13.10.2016
Date of Decision : 13.10.2016

Presence:

Complainant : Shri R. N. Kaushik
PIO : Ms. Ravinder Kaur, Dy. Director & FAA and
Shri Ram Chandra, EE(P) & CPIO

FACTS:

- I. Vide RTI application dated **20.05.2016**, the Complainant sought information on **4 issues**.
- II. PIO, vide its response dated **30.05.2016, 10.06.2016, 23.06.2016, 01.07.2016, 19.07.2016, 21.09.2016 & 05.10.2016**, reportedly not provided the information to the Complainant.
- III. The First Appeal (FA) was filed on **22.06.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **08.08.2016**, are contained in the Memorandum of Complaint.

HEARING

Complainant as well as respondent appeared before the Commission personally and made the submissions at length

DECISION

It would be seen here that the appellant, vide his RTI Application dated **20.05.2016**, sought information from the respondents on **four issues**. Respondents, vide their response

dated **30.05.2016, 10.06.2016, 23.06.2016, 01.07.2016 & 19.07.2016**, allegedly **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action. Further, respondents, vide their subsequent responses dated **21.09.2016 & 05.10.2016**, have provided the **vague & irrelevant** information to the complainant. Further, being aggrieved by the aforesaid response, FA was filed by the appellant on **22.06.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**.

2. It is pertinent to mention here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
3. It is further stated here that, as per **Section 18 (2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of the Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**.
4. The Commission heard the submissions made by respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **20.05.2016**, respondent's responses dated **30.05.2016, 10.06.2016, 23.06.2016, 01.07.2016, 19.07.2016, 21.09.2016 & 05.10.2016**, other material made available on record and also the contents of complaint.
5. By virtue of position above, the Commission seems to be, **prima facie, satisfied** under Section 18(2) of the RTI Act 2005, that there are **reasonable grounds** to proceed further by making a proper inquiry in the matter. As such, the Commission feels that it would be appropriate and even justified to direct Shri Arun Goel, Vice- Chairman, DDA, to depute an officer (not below the rank of Joint Secretary) to conduct an inquiry in the matter and **submits the complete inquiry report** to the Commission, highlighting the reasons (i) for not provided the correct & complete the Complainant's RTI application dated **20.05.2016**, and (ii) for not disposing of the complainant's FA dated 22.06.2016 and also (iii) **identify the erring officers** of the respondents who are responsible, within 4 weeks **from the date of receipt of this order** to enable the Commission to proceed in the matter further. Thus, Shri Arun Goel, Vice- Chairman, DDA, is hereby directed accordingly.

6. Furthermore, Shri Arun Goel, Vice- Chairman, DDA, may also depute the learned First Appellate Authorities and/or CPIOs concerned along with the **exhaustive inquiry reports** and also **the complete record** of the case, to present the case on behalf of respondents, before proceeding under **Section 18 read with 20 of the RTI Act 2005**. In case of failure, the Commission will be left with no option but to proceed u/s **18 read with Section 20 of the RTI Act 2005** on the basis of record made available in the case file.
7. Let the case be listed on **17th November, 2016 at 1500 hours** in the room no. 308, 2nd Floor, Bhikaji Cama Place, August Kranti Bhawan, New Delhi-110066, for further hearing/order. The parties concerned be informed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

Shri Arun Goel,
Vice- Chairman,
DDA, Vikas Sadan,
INA, New Delhi-110023

The Sr. R. O. (RTI) & PIO
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