

**CENTRAL INFORMATION COMMISSION**

Baba Gang Nath Marg, Munirka,  
New Delhi-110067

**CIC/DDATY/A/2017/120360**  
**CIC/DDATY/A/2017/120359**

Date of Hearing : **04.07.2018**  
Date of Decision : **04.07.2018**  
Appellant/Complainant : Hans Raj Chug  
Respondent : PIO  
Dy. Director-(Bldg)/C&I,  
Delhi Development Authority  
Through: Sh. Mahipal Singh-AE and  
Sh. Praveen Dhamija – Dy. Director  
**Information Commissioner : Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

<b>Case No.</b>	<b>RTI filed on</b>	<b>CPIO reply</b>	<b>First appeal</b>	<b>FAO</b>
<b>120360</b>	08.11.2016	27.12.2016	28.12.2016	-
<b>120359</b>	07.11.2016	08.03.2017	28.12.2016	10.03.2017

***Since the parties in all of the above cases are common, the matters are clubbed for the purpose of effective adjudication.***

**Information sought and background of the case:**

Vide RTI application dated 08.11.2016, the appellant sought action taken report w.r.t. SCN dated 21.10.2005 & 09.02.2011 and other information. CPIO/Asstt. Dir. Arch. (Bldg.)/C&I/PIO vide letter dated 27.12.2016 informed that the owner of the plot no. 6 i.e. M/s Jaina Property Pvt. Ltd vide their letter dated 05.09.2011 categorically mentioned your name for not providing any information under RTI Act 2005. Hence the information sought by the appellant is third party information and it cannot be provided. Dissatisfied with response received from PIO, the appellant filed first appeal. FAA/Director Building vide letter dated 10.03.2017 observed that the reply given by the PIO found in order and appeal disposed of. Feeling aggrieved as denial of information, the appellant approached the Commission.

**Facts emerging in Course of Hearing:**

Both parties are duly present for the hearing. The Appellant narrated that the main focus of his queries lies in the fact that toilets in the Jaina Tower, have been covered and shops have been constructed thereupon. Despite

Show Cause notice/s issued more than once by the civic authorities, with respect to such irregularity, the Respondent themselves have not taken any follow up action. Thus the appellant has taken it upon himself to know what action has been taken pursuant to the Show Cause notice/s.

Respondent has contended that information was denied to the appellant, as per objections raised by the third parties to whom the said shops etc belong. However, the Commission finds that the objection of third party/s is not legally tenable considering that information sought is not personal in nature. Thus the reply of the PIO and the FAA is set aside.

### **Decision**

Upon hearing the averments of the parties, the Commission hereby directs the Respondent to furnish a complete status report clearly indicating: i) whether the allegation of the appellant is correct, ii) whether the Show Cause notice/s referred by him were indeed issued and if so, what follow-up action has been taken pursuant to the issuance of these notices. This status Report shall be resubmitted by the respondent within three weeks of receipt of this order, failing which non compliance Notice shall be issued by this Commission upon Sh. Praveen Dhamija-the Dy. Director, present during the hearing.

### **CIC/DDATY/A/2017/120359**

Vide RTI application dated 07.11.2016, the appellant sought copy of challan under which builder has deposited the 50% of the transfer amount Rs.7791/- under the condition of perpetual lease of clause 6 with DDA and other related information. PIO/Dy. Director(Bldg.) vide letter dated 08.03.2017 furnished information as under:-

*"1c. May pl. refer to enclosed copy of the Gazette of India for DES rules 2010 under DFS Act 2007 clause 06.03.2011 rule 27 para 1(h) for mercantile buildings applicable to the buildings constructed after the date of its notification.*

*2ia. For the plot B-4, Block-A1 LSC Janakpuri New Delhi-110058, as per the initial sanctioned which was revoked in record G+5(six) stories were permitted, the rest of details as per available record are same as per annexure B-1 enclosed by you with your RTI request application mentioned above under reference.*

*For rest of paras closely related to various other departments your application is being forwarded to Lands department DD(CL)/PIO DDA for providing the information directly to the applicant under information to this office."*

Dissatisfied with response received from PIO, the appellant filed first appeal. FAA/Director Building vide letter dated 10.03.2017 observed that the reply given by the PIO is found in order and appeal disposed of. Feeling aggrieved as denial of information, the appellant approached the Commission.

### **Decision**

Upon perusal of records of the case, the Commission notes that the case has not been dealt appropriately by the FAA/Director(Building Section) who has merely upheld the PIO's reply without dealing with the factual matrix of the matter. The FAA should have adjudicated the queries raised by the appellant, with greater emphasis on the actual facts at hand weighing the propriety of the responses. Unfortunately, the FAA has skipped the analysis of the queries vis-a-vis the responses, though he is supposed to exercise his expertise based on domain knowledge.

Hence, the Commission remands this case back to the FAA/Director Building Section-DDA for complete and proper adjudication of the issues and ensuring that information shall be provided to the appellant upon obtaining the same from the relevant custodians of information, invoking section 5(4) of the RTI Act. The Respondent shall file an Action Taken Report within 14.08.2018, upon completion of the adjudication by the FAA, as directed hereinabove.

The appeals are thus disposed of with the above observations.

**(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**