

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NDMCN/A/2018/150109**

Smt. Savitri Devi

... अपीलकर्ता /Appellant

VERSUS/बनाम

PIO/NDMC, Narela Zone,
New Delhi

...प्रतिवादीगण /Respondent

Through: Shri Yashpal Rohilla,
PIO/Asst. Engineer through audio
conference

Date of Hearing : 16.07.2020

Date of Decision : 20.07.2020

Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 08.03.2018
PIO replied on : Date not mentioned
First Appeal filed on : 08.05.2018
First Appellate Order on : 17.07.2018
2ndAppeal/complaint received on : 10.08.2018

Information sought and background of the case:

The Appellant filed an RTI application dated 08.03.2018 seeking information on the following 5 points pertaining to the status of property bearing no. B-122, Rajeev Nagar, Begampur, opposite Sector-22, Rohini, N/W Delhi – 110086.

1. Kindly provide the details of the present Owner of the above mentioned property in your records.
2. Kindly provide the approved sanctioned plan of the above noted property.
3. Please inform the present built-up status maintained in your records.
4. Please provide whether any action has been taken regarding demolition/booking of the property?

Yes/No.

If yes, please provide the copy of the steps taken/orders/directions passed w.r.t. the property in question.

5. Please provide the demolition status of the property of the property as per the orders of the Court in the matter titled as "Savitri Devi Vs. Surekha Basandra @ Jyoti & ORS." Ref.C.S. No. 249/17.

[Queries are verbatim]

PIO/NDMC, Narela Zone, vide letter dated *NIL* furnished a point-wise reply.

Dissatisfied with the reply received from the PIO, Appellant filed a First Appeal dated 08.05.2018. FAA vide order dated 17.07.2018 stated as under:

“The matter has been heard at length. During the hearing the appellant reported that no satisfactory reply has been given and not parawise. Therefore, PIO/EE(B) is directed to give the correct and parawise reply to the applicant within 10 days and intimate the action as per rule. The case is closed.”

Feeling aggrieved over the non-compliance of the FAA order, Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission has been received by PIO/Ex. Engineer (Bldg.)/Narela vide letter dated 08.07.2020 intimating the compliance of the order of the FAA.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, audio hearings were scheduled after giving prior notice to both the parties.

Shri Virender Singh, S/o. Smt. Savitri Devi participated in the hearing on being contacted on his telephone. He stated that the Appellant passed on in October, 2019 and since he is the legal heir, he is appearing in the instant case. He stated that the property bearing no. B-122, Rajeev Nagar, Begampur, opposite Sector-22, Rohini, N/W Delhi – 110086 belonged to Smt. Savitri Devi and they were forced to move out because the construction in the neighbouring property had led to a tilting of the Appellant’s wall. Initially the neighbours kept dodging whenever the Appellant and her son tried to settle the issue amicably. Since the issue could not be resolved, the Appellant and her son approached the jurisdictional police station followed by a complaint filed with the MCD and no action has been taken till date.

Respondent is represented by Shri Yashpal Rohilla, PIO/Asst. Engineer through audio conference. He submitted that available information has been provided to the Appellant. He further submitted that the order of the FAA has also been complied with. He added that action was taken and the unauthorized construction was demolished on 08.12.2017.

Representative of the Appellant interjected to state that the alleged demolition has not taken place. He further stated that he has not received any information from the Respondent in compliance with the order of the FAA. He further requested that the Respondent may be directed to provide information to him at **Flat no. D1005, Ajnara Daffodil, Sector-137, Noida – 201305, where he currently resides.**

Decision:

Upon perusal of the facts on record as well as on the basis of the proceedings during hearing, Commission observes that the PIO has made a mockery of the FAA’s order by merely re-sending the initial PIO reply, which has not been received by the Appellant till date. Commission deems it fit to direct the PIO to furnish a comprehensive status report with respect to property bearing no. B-

122, Rajeev Nagar, Begampur, opposite Sector-22, Rohini, N/W Delhi – 110086 to the Appellant's representative, by 31.08.2020, upon conducting an on-site inspection, failing which action will be initiated against the PIO as per the provisions of the RTI Act.

With the aforesaid observations and directions, the instant Second Appeal is disposed off.

Y. K. Sinha (वाई. के. सिन्हा)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

Ram Parkash Grover (राम प्रकाश ग़ोवर)
Dy. Registrar (उप-पंजीयक)
011-26180514

