



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2013/000477

Dated: 03.12.2013

Name of Appellant : Shri Rajiv Kapur
Name of Respondent : Delhi Police, South East District
Date of Hearing : 19.11.2013

ORDER

Shri Rajiv Kapur, hereinafter called the appellant, has filed the present appeal dated 7.1.2013 before the Commission against the respondent Delhi Police, South East District for denial of information in response to his RTI-application dated 19.9.2012. The appellant was absent whereas the respondent were represented by Shri Bir Singh Khatana, APIO, Shri D.K. Tejwan and Shri Prem Kumar, Inspector.

2. The appellant through his RTI application dated 19.9.2012 sought information on the following three queries in respect of action taken report by Inspector Ram Kishan forwarded to Metropolitan Magistrate on 7.,8.2012 in the matter of Rajiv Kapur Vs.Kanwal Kapur & Others: “(a) List of persons who were examined, along with the date, time and duration of examination by the IO; (b) Copy of the examination, that is, questions and answers of each of the persons examined in the matter; and (c) Place where the examination of each of the parties took place”. The CPIO/SED vide letter No. ID-2402/11069/RTI Cell/SED dated 19.10.2012 replied to the appellant as follows: “(a) In this connection, it is mentioned that following persons namely (1) Rajiv Kapur, (2) Anil Kapur s/o Shri Sikander Kapur and (3) Nupur

Kapur d/o Anil Kapur were examined during the enquiry. No record of date, time and duration of examinations is being kept; (2) Copy of appellant's statement was available. The appellant was requested to collect the same from the CPIO after depositing Rs.8/-. The statements of other persons were denied under the provisions of Section 8(1) (e) and (j) of the RTI Act".

3. Not satisfied with the reply of the CPIO, the appellant filed first appeal on 31.10.2012 before the FAA. The FAA vide his order No. 841-43/RTI/A. Section/Addl. CP/SED dated 4.12.2012 remitted the appeal back to the CPIO with the directions to consider the contention of the appellant and provide the sought information/document, if CPIO deems it fit, to the appellant within fifteen days.

4. In compliance with the directions of the FAA, the CPIO vide letter No. ID-2402/RTI Cell/SED dated 10.12.2012 informed the appellant that as per provisions of Section 8(1)(e) & (j) of the RTI Act, specifically exempt disclosure of third party information of personal nature without seeking their permission. Appellant's request was examined in-depth and after careful analysis, disclosure was not found to be in public interest and hence was declined.

5. In his second appeal filed before the Commission the appellant states that the complaint relates to the misappropriation of unsecured loan given by his deceased grandfather, S.L. Kapur who was Director and 99.5% shareholder in the company M/s. Laj Leasing & Credits Pvt. Ltd. and gave this loan to this company. One of the other Directors, Kanwal Kapur (shareholder of 0.5%) criminally misappropriated the funds after the death of his grandfather, the Director who gave the loan and Kanwal Kapur closed the company voluntarily, details of which were obtained from Registrar of Companies and submitted to the Police. The main accused is Kanwal Kapur along with his daughter Nupur Kapur. The MM ordered the police to investigate and file its report and has subsequently taken cognizance of this criminal fraud. The police did not examine the accused,

but examined the husband of the accused, Anil Kapur, who had no relationship to the company. Nupur Kapur was also examined by the police. Copy of the written examination of accused had been requested under the RTI dated 19.10.2012, which was denied.

6. Having considered the submissions of the parties, the Commission is of the view that the statement of alleged persons as requested by the appellant is disclosable information to the appellant and cannot be denied under the provisions of Section 8(1)(j) and (e) of the RTI Act, as the appellant is the complainant in the said matter. The Commission hereby directs the CPIO to provide statements of alleged persons as recorded by the police, to the appellant free of cost **within two weeks** of receipt of this order.

The matter is accordingly disposed of on the part of the Commission with above directions.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri Rajiv Kapur,
28-C, Mansarovar Apartments,
Sector-61,
NOIDA-201303 (UP)

The Addl. DCP/CPIO,
Delhi Police, South East District,
Sarita Vihar,
New Delhi.

The Addl. Commissioner of Police/FAA,
Delhi Police, South East District,

Sarita Vihar,
New Delhi.