

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
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Decision No. CIC/SG/C/2011/000495/13866
Complaint No. CIC/SG/C/2011/000495

Complainant : Mr. Anil Dutt Tyagi
298/12, Chandan Vihar,
West Sant Nagar (Burari),
Delhi-110084

Respondent : Public Information Officer
Department of Urban Development,
Govt. of NCT of Delhi,
10th Level, A-Wing,
Delhi Secretariat, IP Estate,
New Delhi-110002

Facts arising from the Complaint:

The Complainant had filed a RTI application with the PIO on **28/02/2011** asking for certain information. On not having received any information within the mandated time the Complainant filed a Complaint under Section 18 of the RTI Act before the Commission. On this basis, the Commission issued a notice to the PIO on **26/05/2011** with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission has neither received a copy of the information sent to the Complainant, nor has it received any explanation from the Respondent PIO for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the Respondent PIO has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act. Failure on the part of the Respondent PIO to respond to the Commission's notice shows that there is no reasonable cause for the refusal of information.

Decision:

The Complaint is allowed.

In view of the aforesaid, the Respondent PIO is hereby directed to provide the complete information with respect to the RTI Application dated 28/02/2011 to the Complainant before 24th August 2011 with a copy to the Commission.

From the facts before the Commission, it appears that the Respondent PIO has not provided the correct and complete information within the mandated time and has failed to comply with the provisions of the RTI Act. The delay and inaction on the Respondent's part in providing the information, amounts to willful disobedience of the Commission's direction and also raises a reasonable doubt that the denial of information may be malafide.

The Respondent PIO is hereby directed to submit before this Commission his written submissions to show cause why penalty should not be imposed and disciplinary action should not be recommended against him under Section 20 (1) and (2) of the RTI Act for the delay caused in providing information to the Complainant. This should reach the Commission before 30th August 2011.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
4th August 2011

(In any correspondence on this decision, mention the complete decision number.)(RJ)