

CENTRAL INFORMATION COMMISSION
ROOM NO. 329, SECOND FLOOR, C-WING
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066
Tel. No. 91-11-26717356

F.No.CIC/DS/A/2013/001296-YA
F.No.CIC/DS/A/2013/001297-YA
F.No.CIC/DS/A/2013/001358-YA
F.No.CIC/DS/A/2013/001359-YA

Date of Hearing : 27.01.2015
Date of Decision : 27.01.2015

Appellant : Shri Harsh Vardhan Nayyar
New Delhi

Respondent : Shri Guru Sharan, Sr. Asstt.
Rep. Shri Tilak Raj, PIO/Estt.-II
Shri Srikishan , PIO/DD(Civil)
Shri Ratan Lal, HA(CE-II)
Shri Ram Dia, APIO/Estt.
Shri Vivek Bhardwaj, Clerical Asstt.
Shri Hardeep Kumar, Sr. Asstt.
Shri Mohd. Moin Khan, PIO/Dy. Law
Officer
New Delhi Municipal Council
New Delhi

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeals:

RTI application filed on : 19.11.2012
PIO replied on : 17.12.2012, 14.12.2012, 06.12.2012 & 16.01.2013
First Appeal filed on : 03.01.2013, 03.01.2013, 06.01.2013 & 04.02.2013
First Appellate Authority (FAA) order on : 25.02.2013, 26.02.2013, 05.03.2013 & 25.02.2013
Second Appeal received on : 05.07.2013

Both parties are present. As the RTI application is identical in all the above-mentioned appeals and both parties are same, the appeals are being clubbed and heard & decided together.

F.No.CIC/DS/A/2013/001296-YA

The appellant filed an RTI application seeking information regarding total number of cases filed against NDMC Estate-II, in High Court/Supreme Court from the year 2006 till the date of application along with the number of such court cases pending and names & other details of plaintiffs therein. PIO(STC)/SO(STC) in his reply requested the appellant to visit their office for inspection of record and then provided lists of cases pending in High Court & Patiala House District Court for the areas of Sarojini Nagar Market, Khan Market and Bengali Market.

The appellant filed first appeal on the grounds that court cases for Shankar Market along with details of total number of cases filed, judgements for or against plaintiffs, phone nos./email addresses of all plaintiffs, were not provided to him. The FAA in his order directed the PIO/Dy.Dir. to provide information as per available record and to transfer the RTI application to other concerned dept., as deemed fit.

The appellant stated that no information has been provided to him, in compliance of the FAA's order. The respondent present on behalf of the PIO stated that the PIO is on election duty for the Elections in Delhi on 07.02.2015, and thus, could not come. The respondent sought another date of hearing. The appellant contended that the case be heard as he will not be available in India on a later date.

F.No.CIC/DS/A/2013/001297-YA

The appellant filed an RTI application seeking the above information from all departments of NDMC, from the year 2006 till the date of application. PIO/Dy.Dir.(Civil) provided a list of cases pending in the Delhi High Court and stated that the addresses, phone nos./email addresses of plaintiffs are not available on record. The appellant filed first appeal on the ground that names with addresses and phone nos./email addresses of all plaintiffs, was not provided to him. The FAA/Dir.(P-II), decided the appeal on the ground that the appellant has not been provided information since 01.05.2006 and directed PIO(CE-II) to provide information since 01.05.2006, indicating the cases finalised and pending and names, addresses and phone nos./email addresses of all plaintiffs, if the same is available on record. PIO/Dy.Dir.(Civil) vide his letter dt. 12.03.2013 provided a revised reply.

The appellant re-iterated that details of names with addresses and phone nos./email addresses of all plaintiffs, have not provided to him, despite the FAA's order. He stated that the same must be maintained in the Estate-II dept. The respondent stated that the names have already been given in the list provided to the appellant vide letter dt. 12.03.2013. As for the details regarding names with addresses and phone nos./email addresses of all plaintiffs, is not available on record.

F.No.CIC/DS/A/2013/001358-YA

The appellant filed an RTI application seeking the above information from all departments of NDMC, from the year 2006 till the date of application. PIO/Dy.Dir(Estt.), Secretary's Estt. Branch provided a list of court cases including the ones which were pending and other details as sought. The appellant filed first appeal on the grounds that name of court was not mentioned in a number of cases, total number of cases filed, judgement for or against the plaintiff, current pending status and names, addresses and phone nos./email addresses of all plaintiffs, were not provided to him. The FAA/Dir.(P-I) directed the PIO to recheck the record and provide information, if the same is available on record. The FAA also forwarded the copies of RTI application and first appeal to PIO(Law) for supplying information to the appellant. PIO/Dy.Dir(Estt.), Secretary's Estt. Branch provided another list of court cases pending along with other details, as available on record.

The appellant stated that the two lists provided are different from each other. He stated that that there was no reply from PIO(Law). On query by the Commission as to whether the RTI application was transferred to PIO(Law), the respondent stated that there was no direction to the PIO to transfer the RTI application. The FAA vide his order had transferred the RTI application and first appeal to PIO(Law). On query by the Commission from PIO/Dy. Law

Officer as to whether the RTI application was received from the office of FAA or not, the respondent replied in the negative.

F.No.CIC/DS/A/2013/001359-YA

The appellant filed an RTI application seeking the above information from all departments of NDMC, from the year 2006 till the date of application. PIO/ALO informed the appellant vide letter dt. 16.01.2013 that he has sought assistance from the Standing Counsel of NDMC, having his office in the Delhi High Court and that information will be provided to the appellant as and when the same is received. PIO/ALO, on receipt of information provided the same to the appellant. The appellant filed first appeal on the ground that name of court, judgement for or against the plaintiffs, current status of pending cases and names, addresses and phone nos./email addresses of all plaintiffs, were not provided to him. The FAA in his order recorded that the information sought is not specific and voluminous and that the copies of judgements are not available in the Law Dept. He further recorded that the same are provided either in the concerned depts. or in respective Courts and stated that the information sought does not relate to their dept.

The appellant stated that that the reply of the CPIO was after a delay of more than one month. Further, he contended that even if the information was bulky, the same should have been provided as desired. He stated that the FAA's order was incorrect in stating that the information did not pertain to Law Dept. and that it was not up to the FAA to tell him how to seek information. The respondent from the Law dept. stated that there are approximately 379 cases still pending and that information as sought will be in separate files, which is why inspection was allowed to the appellant. The appellant contended that the PIO deliberately did not provide him the information as the PIO knew that he lives in USA. The respondent urged that the information as is available on record, has been provided to the appellant.

Decision:

After hearing the parties and on perusal of record, the Commission in **F.No.CIC/DS/A/2013/001296-YA**, directs the PIO to provide information regarding court cases for Shankar Market along with details of total number of cases filed, as per the available record. The Commission finds that the appellant's ground of appeal regarding information not provided on judgements for or against plaintiffs, was a new query and the PIO is not bound to deal with the same. The information shall be provided to the appellant, as per available record, within three weeks of receipt of this order, under intimation to the Commission. Further, the details regarding phone nos./email addresses of all plaintiffs cannot be provided to the appellant as the same is third party information u/s 8(1)(j), the disclosure of which serves no larger public interest.

Further, the FAA is cautioned not to deal with first appeals in a non-chalant manner. The fact that the appellant raised a new query at the time of filing first appeal should have been dealt with by the FAA. Chairman, NDMC is directed to take note of the manner in which the FAA has dealt with the instant appeal. This is for information and necessary action, as deemed fit. A copy of this order may be marked to Chairman, NDMC.

In **F.No.CIC/DS/A/2013/001297-YA**, names with addresses and phone nos./email addresses of all plaintiffs cannot be provided to the appellant as the same is third party information u/s 8(1)(j), the disclosure of which serves no larger public interest.

In **F.No.CIC/DS/A/2013/001358-YA**, the Commission directs PIO/Dy.Dir(Estt.), Secretary's Estt. Branch to transfer the RTI application of the appellant along with a copy of this order to PIO(Law), within 5 days of receipt of this order, under intimation to the Commission. PIO(Law) is directed to provide the information as is available on record to the appellant, as per the provisions of the Act, under intimation to the Commission.

In **F.No.CIC/DS/A/2013/001359-YA**, the Commission directs PIO/Dy. Law Officer to provide information regarding the name of court in which the cases are pending, to the appellant within three weeks of receipt of this order, under intimation to the Commission. Further, information regarding judgement for or against the plaintiffs, sought by the appellant in first appeal was a new query and the PIO is not bound to deal with the same. As for names, addresses and phone nos./email addresses of all plaintiffs cannot be provided to the appellant as the same is third party information u/s 8(1)(j), the disclosure of which serves no larger public interest.

In so far as the appellant's request for payment of compensation is concerned, the appellant has neither suffered any detriment nor is there any public interest in seeking the information. Therefore, his plea for award of compensation is not accepted.

With these observations, the appeals are disposed of accordingly.

(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.

(B.D. Harit)
Deputy Secretary & Deputy Registrar