

## **CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Adjunct to Appeal No. CIC/WB/A/2006/00349 dated 20-6-2006

### **Right to Information Act 2005 – Section 19**

Appellant: Ms. Gita Dewan Verma  
Respondent: DDA, MCD, DC (Revenue)

In our order of 1-5-07 we had directed as follows:

- “1. The case has been disposed of by A.E. (Bldg) and M.E. cum E-in-C by simply replying to appellant Ms. Gita Dewan Verma on 20.3.07 that the information is to be provided by D.C. (South Zone) “as no such information is available with this office”. A copy of the application also stands transferred to D.C. (South Zone) on 1.3.07. No action seems to have been taken by the D.C. (South Zone). He will, therefore, show cause either in writing by 12.5.07 or by personal appearance on 18.5.2007 at 4.00 p.m. as to why he should not be held liable for penalty @ Rs. 250/- a day from the date he received the application up to the time that the response has been given / the date when it will be given.
2. D.C. (Revenue) will ensure that the response is sent to appellant Ms. Gita Dewan Verma today. Ms. Neena Sharma, now posted as Data Entry Operator in Sub Registrar’s Office, Mehrauli, will, therefore, show cause either in writing by 12.5.07 or by personal appearance on 18.5.2007 at 4.00 p.m. as to why she should not be held liable for penalty @ Rs. 250/- a day from the date she received the application up to the time that the response has been given also confirming that the information has been provided today.
3. Commissioner (Planning) DDA is directed to comply with our directions of 12.4.2007. He is given a further opportunity to show cause either in writing by 12.5.07 or by personal appearance on 18.5.2007 at 4.00 p.m. as to why he should not be held liable for penalty @ Rs. 250/- a day from the date he received the application up to the time that the response has been given / the date when it will be given, failing which it will be assumed that he has nothing to say in this matter.

Accordingly the following have appeared before us on 18-5-2007:

**Appellant:**

Ms. Gita Dewan Verma

**Respondents:**

Ms. Neena Sharma, DEO/ODC (S)

Mr. A.K. Chaudhary, NT/LA (South)

Mr. Ajeet Kumar, Steno Gr. III

Mr. S.K. Jha, DC (South Zone) MCD

Mr. R.M. Lal, Director (Bldg.), DDA

Mr. T.K. Mondal, Jt. Director (Bldg.)  
Mr. Chandu Bhutia, Dy. Director (Plg.) DDA

Shri S.K. Jha, DC (South) has indicated that the information pertaining to him has been provided on 3-5-07. However, there appears to be an error in the response to the show cause notice received by us from Shri Ravi Das, Engineer-in-Chief in his letter dated 30-4-2007 since the action taken with regard to our decision of 12-4-2007 described in that letter does not pertain to file No.349 of 20-6-06, upon which that order was issued. In that case Ms. Gita Dewan Verma appellant has pointed out that in fact the application had been transferred to DC (Najafgarh Zone) and not DC (South). It is also a fact that in our initial decision in this case on 12-4-2007, the reference had been to a note dated 21.12.'06 of the DC (Najafgarh Zone) stating that information was awaited from C.E. (Bldg.) Hq.

This information has still not been supplied to the appellant. **DC (NZ) Mr. Azim ul Haq is therefore, directed to supply the information sought within 10 days of date of receipt of this decision notice.** A copy of the original application of appellant together with our Decision Notice of 12.4.'07 are also appended with this Order for his convenience, so that he might identify specifically the information sought. He may inform us on completion of this exercise. However, we find Engineer-in-Chief Mr. Ravi Das has given us incorrect information on where the information is now pending. He had been given a reasonable opportunity to show cause why a penalty should not be imposed upon him. This he has failed to do. The information sought became due on 23-1-07 since the matter was transferred to him by letter of Shri V.K. Bagga, Chief Town Planner, MCD on 23-12-2006. However, we have no ground to believe that incorrect information was knowingly given, which would invite a financial penalty u/s 20(1) of the RTI Act, 2005. Appellant Ms Verma has also pleaded that this appears more an error in official processing, since the response given pertains to another application to MCD pertaining to DC South moved by her under RTI

In the case of Ms. Neena Sharma, Data Entry Operator, she has represented that she joined the RTI Cell only on 10-1-2007, which post she

retained till 13-3-2007. She also remained on leave from 17-2-2007 to 3-3-2007. She was relieved from the RTI Cell w.e.f. 5-3-2007 (3<sup>rd</sup> & 4<sup>th</sup> being Saturday & Sunday). In fact the information was sent to her as per the report of Shri S.K. Singh representing DC (Revenue) on 17-1-2007. This would become due on 17-2-2007 when she remitted office for leave. However Ms Sharma in a response to our Show Cause Notice presented to us in the hearing and placed on record has shown us a copy of the receipt register of 22.1.'07, which indicated the documents to be given to her, but unsigned, indicating that she never received the documents. She was also no longer holding office when our order of 1-5-07 was issued directing that information be provided on that date. Appellant Ms. Gita Dewan Verma has responded to the information received on 1-5-07 pointing out that she has only asked for the demolition schedule for compliance of court orders which had not been provided. **DC Revenue is therefore directed to provide the specific information sought within a week from the date of issue of this decision notice, under intimation to us.**

In the case of DDA which was not a party to this proceedings, Shri A.K. Gupta, Addl. Commissioner (Planning) has already under our order of 12-4-07 in the case of Ajit Singh vs. DDA been nominated as the nodal point for collating information sought by Ajit Singh whose authorized representative is Planner Gita Dewan Verma. He is now therefore directed also to coordinate providing the information sought in this case which concerns information on 3 points, namely: i) Delhi Government ILBS ii), Sun City, Mall, iii) Sultan Garhi housing, relating to different wings of the DDA, collate the information from the concerned wings, consolidate this and **supply it to appellant Gita Dewan Verma within 15 working days of the date of issue of this decision notice, under intimation to us.**

This leaves open the question of liability for penalty. We have already in our Decision of 12.4.'07 noted that ,”The disposal of the application of Ms. Gita Dewan Verma is a lamentable example of delayed action in responding to statutory requirements under the RTI Act 2005.” The public authority has done little to redeem this. There has been a failure in the case of the office of

Engineer-in Chief, who has provided incorrect information on the show cause notice issued. The Engineer-in Chief Shri Ravi Das will now enquire into this failure, fix responsibility and take action under the departmental rules against the delinquent officials within twenty working days from the date of issue of this Decision Notice. This action is taken u/s 20(2) of the Act

On the other hand clearly, Ms Sharma did not receive the application cited under RTI, yet ADM Shri SK Singh has had no hesitation in seeking to pass on responsibility for failure to respond to her, without so much as calling for her explanation. This responsibility is however shared because at the time that the application was received in her section Ms Sharma was clearly the official responsible for its disposal. The reason why she did not get to see the file exposes a gap in receipt and processing in the office of DC Revenue. DC Revenue will therefore enquire into this and take steps to rectify this hiatus within fifteen working days of the date of receipt of this notice under intimation to us.

Announced in the hearing, except on the question of liability for penalty which was reserved and is now announced on Monday the 21<sup>st</sup> May, 2007

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

(Wajahat Habibullah)  
Chief Information Commissioner  
21-5-2007

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.

(L.C.Singhi)  
Addl. Registrar  
21-5-2007