

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2006/00341 dated 12/5/06

Right to Information Act 2005 – Section 19

Appellant: Smt. Gita Dewan Verma

Respondent: M.C.D.

Facts:

Ms. Gita Dewan Verma, Planner, Master Plan Implementation Support Group, Vasant Kunj, New Delhi in an application of 10-2-2006 asked for the following information from MCD:

1. MCD policy/guidelines for collections from hawkers through NGOs
2. List of applicants & vending committees formed, with reasons for rejecting Expression of Interest (EoI) from her.
3. Decision pursuant to MPD Board decision of 16.1.2006 about separate hearing.
4. Details of scheme underway in Vasant Kunj area/conformity with above.

On her request being unanswered appellant made her first appeal on 27-3-06 before the MCD Commissioner. A response was received by appellant Ms. Gita Dewan Verma from Chief Town Planner on 27-4-06, against which she remonstrated in a further letter of 29-4-06 to MCD Commissioner stating that she had not sought various issues for clarification but made a request for information under the RTI Act in the context of High Court orders against unauthorized building and usage. While she received no response to this, in their response to the appeal notice respondent authority MCD through Shri Parimal Rai, Additional Commissioner (R) has sought to give information on the four points mentioned above as follows:

(i) **MCD Policy/guidelines for collections through NGO: -**

This office has supplied the copy of National Policy for Urban Street Vendor of Govt. of India and copy of Resolution No. 377 dated 25.10.2004 regarding adoption of the aforesaid policy by MCD along with the memorandum of understanding executed between MCD and Manushi an NGO for operating a pilot project in Sewa Nagar in compliance of the Hon'ble Supreme Court orders. The letter addressed to the appellant is enclosed as Annexure 'C'.

- (ii) **List of applicants and vending committee formed, with reasons for rejecting our EOI** :- As evident from page 15 of the representation the appellant made representations for including in Town vending committee/ward vending committee vide letter dated 4.6.05 in compliance of MCD public notice dated 22.5.05. The application of the Appellant was received in CL&EC on 6.6.05 and the same has not been rejected by the competent authority.
- (iii) **Decision pursuant to MPD Board decision of 16.1.2006 about separate hearing**: - The reply of CTP given to appellant on 27.4.2006 is enclosed as Annexure A and the reply addressed to Under Secretary & Assistant Registrar CIC is enclosed as Annexure D. As per information given by CTP & PIO there is no decision pursuant to MPD board decision of 16.1.06 about separate hearing available in his office. However, the points raised by the appellant in her first appeal dated 27.3.06 and in her letter dated 22.1.06 replied accordingly which covers all points pertaining to T.P. Department.
- (iv) **Details of scheme underway in Vasant Kunj area/conformity with above**: - There are 26 tehbazari sites allotted by MCD in front of petrol pump next to Central Market. Masoodpur and opposite power house Vasant Kunj and the MCD has not granted/authorized permission to any NGO for collecting the tehbazari fees in this area.

Shri Perimal Rai, Addl. Commissioner (R) and present appellate authority has also offered that if any further information is required by the appellant this will be provided to her within fifteen days. Appellant has filed a parawise rejoinder to the reply given by Addl. Commissioner Perimal Rai which is placed on the file.

The case was heard on 22-9-2006. The following were present:

Appellant

Ms. Gita Dewan Varma

Respondents:

- i) Sri Parimal Rai, Addl. Commissioner (Engg.)
- ii) Shri V.K. Bugga, C.T.P.
- iii) Shri R.S. Meena, ADC (Elec.)
- iv) Shri A.K. Ambasht, D.C. NGZ
- v) Shri R.P. Gautam, A.O. (Cash L)

CPIO has argued that the matter was not considered because the original application purportedly from Shri Badri Prasad had not been received, the fee not having been received.

DECISION NOTICE

As pressed by appellant during hearing, the two issues required to be addressed are:

- b) Whether CTP has wrongly stated this appeal concerns information sought by Ms. Gita Dewan Verma through her applications dated 6.2.06 and dated 22.1.06, but it concerns information sought by MPISG application dated 10.2.06. Further, whether CTP has wrongly alleged that application letters concerned hawking/vending.
- c) Whether CTP has wrongly stated that “further through letters dated 16.3.06 and dated 27.3.06. some more information was sought’. Appellant avers that those letters were not further to her letter but were MPISG letters, letter dated 16.3.06 being to Zonal Office, APIO and the one dated 27.3.06 being the 1st Appeal.

The information sought under (a) above is the following:-

1. MCD policy/guidelines for collections from hawkers through NGOs
2. List of applicants & vending committees formed, with reasons for rejecting our EoI
3. Decision pursuant to MPD Board decision of 16.1.2006 about separate hearing.
4. Details of scheme underway in Vasant Kunj area/conformity with above.

Regarding (b) above, it has been stated by appellant Mrs. Gita Dewan Verma in her rejoinder to the response of the PIO to the appeal notice that MCD has lately submitted a report on the “schemes about the information sought” and a copy has been obtained by her. However, this copy was not provided to her by the PIO despite her request.

With regard to four points under (a) above, from the response submitted by Appellate Authority Shri Parimal Rai, Addl. Commissioner it is clear that MCD has in fact not initiated the conceptualizing of any action plan with regard to delay as a control other than a MOU with one NGO regarding operating a Pilot Project in one neighbourhood i.e. Sewa Nagar.

In regard to the other points it will be clear that the information sought by appellant has not been fully provided on point (b) (iii). It has now been mentioned in the response of Addl. Commissioner Shri Parimal Rai to the appeal notice that as per information given by CTP there is no decision pursuant to MPD Board decision of 16.1.06 about separate hearing available in his office. However, **it is not clear whether in fact there is any decision whatever on the MPD.**

The response on the MPD Board Decision requires immediate clarification. Shri Parimal Rai Addl. Commissioner has undertaken to provide a list of vending committees with regard to Vasant Kunj Area. Whereas the response to the appeal notice indicates that the expression of interest by MPISG has not been rejected, this entity does not figure in the list provided. The clarification of this and other information in response to appellant's application of 10.2.06 may be provided by CPIO Shri RS Meena, Addl. Dy. Commissioner (Licensing) as offered by Addl. Commissioner (R), within fifteen working days of the date of the issue of this order. A copy of the original application will be handed over by appellant Ms. Gita Dewan Verma to CPIO Shri Mani immediately.

To avoid confusion, it is clarified that it would be the responsibility of Addl. Commissioner (R) to ensure that any information provided pursuant to these directions by the CPIO will be inclusive of any information which has to be obtained by any other official of MCD concerned with the decision on which the information has been sought.

There are two further points which ask for a decision from us:-

- i) CPIO Shri A.K.Ambasht has brought to our attention that the initial application fee of Rs. 10/- has not been received, as mentioned in the response of 20.9.06 to the appeal notice. In her appeal appellant has in fact described in detail the several attempts made to pay the fee. She therefore claims that non payment was inadvertent. However, the matter having gone through first appeal and no plea having hitherto been made that the appeal should be rejected on this ground, this cannot now be construed as a ground for rejecting the appeal. However, fee of Rs. 10/- may now be paid to the public authority through CPIO Shri Mani.
- ii) The appellant has also brought to our notice that matter is pending before the Supreme Court who are required to be told of the views of the vending committees after consultation with them. Since this is beyond the scope of the present appeal, this plea has simply been noted.

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

(Wajahat Habibullah)

Chief Information Commissioner

22.9.2006

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

22.9.2006