

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2009/000319

Appellant : Ms Gita Dewan Verma
Public Authority : Delhi Development Authority
Date of Hearing : 18.11.2009
Date of Decision : 18.11.2009

FACTS :

By her RTI application dated 18.7.2008, the appellant had sought the following information:-

“Please provide list of all Regulations made by the Authority under Section 57 of DD Act giving:

- (a) exact title of the Regulations;
- (b) date and number of Notification in Official Gazette; and
- (c) particulars of publishing in terms of section 4 (1) (b) (v) of the RTI Act.”

2. Sr. RO (RTI) vide letter dated 2.9.2008 had circulated the RTI request to all PIOs of DDA requesting them to send replies to the paras pertaining to their departments directly to the appellant. Dissatisfied with this arrangement, the appellant had filed the first appeal before Shri B.M. Bansal, Secretary DDA vide letter dated 2.11.2006 wherein she had mentioned that she received response from 26 PIOs without clearly mentioning therein as to who was the custodian of information but for one or two cases. However, Shri Bansal did not dispose of the first appeal.

3. Hence, the present appeal.

4. Heard on 18.11.2009. Appellant present. The public authority is represented by the following officers:-

- (i) Shri Shashi Kant, Jt. Director (Plg) (Narela Project)
- (ii) Shri R.K. Sharma, Dy. Director (CL);
- (iii) Shri Rajan Mehrotra, AO (RL);
- (iv) Shri M.S. Bhana, Dy. CLA;
- (v) Shri K. Srirangan, Dy. Director (Plg)I/MPPR;
- (vi) Shri Durganand Minz, Asst. Director (Plg)/WK;
- (vii) Shri Anil Barai, OSD (Plg);
- (viii) Shri R.K. Jain, Director (Plg);
- (ix) Smt M. Bawa, Director (Plg);

- (x) Shri H.S. Dhillon, Jt. Director (Plg);
- (xi) Shri S.P. Pathak, Director (Plg), Dwarka; &
- (xii) Ms Suman Sharma, AD (Plg), Narela Project.

5. During the hearing the appellant would submit that after the filing of the first appeal, she had received a response from Shri J.S. Singhal, Sr. Law Officer (RTI) vide letter dated 27.11.2008. The same is reproduced below:-

“Kindly refer to your applications dated 18.7.2008 (two applications) and 26.8.2008. I am to inform you that the documents required by you are public documents duly notified by State/Centre and are available in the open market with Government publishers.”

6. Dissatisfied with this, she had filed an appeal before Shri M.S. Bhana, Dy. CLA II (AA) on 2.12.2008. Thereupon vide letter dated 10.12.2008, Shri Bhana had asked Shri H.S. Dhillon, Joint Director (Master Plan) to respond to the appellant.

7. It is her principal submission that the net result of her labours is that she has received no information from any quarters. It is also her say that it was essential for the Secretary, DDA, to have responded to her but she did not receive any response from him. It is also her say that she received a letter dated 16.2.2009 from Shri Singhal to say that the law department of the DDA is not the custodian of the notifications. The letter of Shri Singhal is extracted below :-

“Kindly refer to the order No. AA/RTI/Dy.CLAI/II/Legal/09/21 dated 3.2.2009 passed by Appellate Authority, Dy. C.L.A-II, Shri M.S. Bhana. Your application ID No. 3968 and 3987 have been reconsidered. It is to inform you that no notification is issued by Law Deptt. and more so no such record is kept by Law Dept. even copy of notification are not sent to law Deptt. All the notifications on the subject are issued with the approval of Secy/DDA and as such your case is being sent to the Secy/DDA for further action.”

It is her plea that even though Shri Singhal has not invoked section 5 (4) of the RTI Act in his letter referred to above, yet it can be constructed as notice u/s 5 (4) of the RTI Act and this would render Secretary, DDA, liable to respond to her RTI application but he did not do so for reasons best known to him.

INTERIM DECISION

8. It is disconcerting to note that nobody in DDA has comprehensively responded to the RTI request of the appellant.

Shri Bhana has submitted that the Law Department is not the custodian of the notifications and the concerned departments of the DDA, are the custodians relating to the notifications specifically concerning them. However, it is to be noted that the Secretary, DDA, has the over-arching authority on all the Departments of DDA and all notifications are issued with his approval. Besides, the plea of the appellant that the letter dated 16.2.2009 of Shri Singhal may be deemed to be a notice u/s 5 (4) of the RTI Act also can not be ignored. Thus, it appears to me that if the RTI application in land is to be responded to correctly and comprehensively, Secretary DDA alone can do so. In this view of the matter, it would be expedient to call upon Shri B.M.Bansal, Secretary, DDA, to file his response in the matter in two weeks time.

10. The matter is fixed for hearing on **21st Dec, 2009 at 12:50 hrs.**

Sd/-

(M.L. Sharma)

Central 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.

(K.L. Das)

Assistant Registrar

Address of parties :-

1. Shri M.M. Bansal
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2. Ms Gita Dewan Verma
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