Relevant Facts emerging from the Appeal:

**Appellant**: Dr. Gian Singh
C-585, Sangam Vihar,
New Delhi – 110062.

**Respondent**: Ms. Juhi Mukherjee
Public Information Officer & SDM
Govt. of NCT of Delhi
Office of the Sub- Divisional Magistrate (Hauz Khas)
Old Tehsil Building,
Mehrauli, New Delhi-110030

RTI application filed on : 26/03/2010
PIO replied : 19/05/2010
First appeal filed on : 04/05/2010
First Appellate Authority order : 03/06/2010
Second Appeal received on : 22/07/2010

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<th>Sl.</th>
<th>Information Sought</th>
<th>Reply of the PIO</th>
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<td>1.</td>
<td>Provide/supply a copy of the letter/complaint of EE (South)-III, DJB, Govt of NCT of Delhi. Office of EE(South)-III, G.K-I, New Delhi-110048 to SDM (HK) Vide No. DJB/EE(S)III/2010/3381 dated 13.01.2010 and had been received in the SDM (HK) office vide No. 9105 dated 14.01.2010 regarding illegal operation of Tube-well at Sangam Vihar.</td>
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<td>2.</td>
<td>Provide/supply information of the action taken by the SDM (HK) to stop the illegal operation of Tube-wells at Sangam Vihar as per letter/complaint of EE-III, DJB, Govt. of NCT of Delhi.</td>
<td>Report attached.</td>
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**Grounds for the First Appeal:**
Unsatisfactory information provided by the PIO

**Order of the First Appellate Authority (FAA):**
PIO is directed to provide the required information to the Appellant within a week’s time.

**Grounds for the Second Appeal:**
Unsatisfactory information provided by the PIO

**Relevant Facts emerging during Hearing:**
The following were present
**Appellant**: Dr. Gian Singh;
**Respondent**: Mr. Nitin Panigrahi, Tehsildar (HK) on behalf of Ms. Juhi Mukherjee, PIO & SDM;

The appellant has not been given any information on query-1. Inspite of the order of the FAA the PIO has not given any information as ordered by the Appellate Authority. The respondent states that the file was not available with the public authority and is with a Committee which is meant to look after the illegal boring. The PIO is expected to either transfer the RTI application if the information is held by other
public authority or seek assistance under Section-5 (4). In the instant case the PIO did not provide the information initially and also chose to defy the order of the FAA.

**Decision:**
The Appeal is allowed.

The PIO is directed to provide the information on query-1 and also the action taken until now on the complaint to the appellant before 30 September 2010.

The issue before the Commission is of not supplying the complete, required information by Ms. Juhi Mukherjee, PIO & SDM within 30 days as required by the law.

From the facts before the Commission it is apparent that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. She has further refused to obey the orders of her superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

It appears that the PIO’s actions attract the penal provisions of Section 20 (1). A show cause notice is being issued to her, and she is directed give her reasons to the Commission to show cause why penalty should not be levied on her.

Ms. Juhi Mukherjee, PIO & SDM will present herself before the Commission at the above address on 29 October 2010 at 4.00pm along with her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20 (1). She will also submit proof of having given the information to the appellant.

*If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.*

This decision is announced in open chamber.
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.

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Shailesh Gandhi
Information Commissioner
17 September 2010

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