Decision No. CIC/SG/A/2011/000106/11541
Appeal No. CIC/SG/A/2011/000106

Relevant Facts emerging from the Appeal:

Appellant : Dr. M .M Mittal  
B 2/4, Model Town  
Delhi-110009

Respondent : Public Information Officer  
Office of Superintending Engineer  
Municipal Corporation of Delhi  
Civil Lines Zone, 16 Rajpur Road,  
New Delhi

RTI application filed on : 12/08/2010  
First appeal filed on : 22/09/2010  
First Appellate Authority order : 01/11/2010  
Second Appeal received on : 11/01/2011

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<tr>
<th>S.No</th>
<th>Information sought by the appellant</th>
<th>Reply of the PIO</th>
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<tbody>
<tr>
<td>1.</td>
<td>Provide Photostat copies of the notes on the file whereby you have informed the appellant that “after the order of FAA no inspection of the house has been carried out” and reasons for non compliance of order of FAA.</td>
<td>Property was regularized on 24/5/2007 in the name of Ramesh Modi and Shyama Modi</td>
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<td>2.</td>
<td>Provide photocopy of the sanction plan of the building no B2/3A, Model Town, Delhi</td>
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First Appeal:  
Reply was not provided by the PIO.

Order of the FAA:  
On inquiring from the office of the PIO/SE(CLZ) it has been revealed that the requisite information has not been sent to the Appellant will date. The PIO is directed to furnish the information from his records to the Appellant within a period of 10 working days.

PIO replied on 16/11/2010 that “ It is to inform that property in question was regularized on 24/05/07 in the names of Shri Ramesh Modi and Smt. Shyama Modi as per records.”

Ground of the Second Appeal:  
Reply to the question asked was not provided.

Relevant Facts emerging during Hearing:  
The following were present  
Appellant : Dr. M .M Mittal;  
Respondent : Absent;  

The appellant states that the information sought by him was not provided by the PIO even on 10/11/2010. A perusal of the information shows very clearly that information has not been provided. The Appellant shows that some more information had been sent to him by the PIO on 28/01/2011 which shows that after the order of the FAA no action had been taken until the Commission had given an order in another matter. The Appellant also states that in the information sent to him he has been given a sanction plan of 1990. The Appellant claims that a new building has been constructed after
2004. He wants a copy of the plan which was sanctioned for construction of building after 2004. If no such sanction plan exists this should be stated.

**Decision:**
The Appeal is allowed.
The PIO is directed to provide the sanction plan of the building after 2004 to the Appellant before 05 April 2011. If no such plan exist this should be stated.

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

From the facts before the Commission it appears 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. He has further refused to obey the orders of his 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 showcase notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on **11 April 2011 at 4.30pm** along with his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). **He 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.

Shailesh Gandhi
Information Commissioner
18 March 2011

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