Appellant : Mr. Ramchand Balani
            M8/D7, MIG Flats
            Jhulelal Apartment
            Pitampura, Delhi 110034

Respondent : Mr. Ashok Kumar Sharma
             Public Information Officer &
             Assistant Registrar(North West)
             O/o Registrar Cooperative Societies,
             Govt. of NCT of Delhi,
             Old Court Building, Parliament Street,
             New Delhi 110001

RTI application filed on : 24/12/2009
PIO replied : Not mentioned.
First Appeal filed on : 05/01/2010
First Appellate Authority order : 05/02/2010
Second Appeal Received on : 06/04/2010

Information sought:
Giving background of information Appellant sought following in respect of Jhulelal SNCGH Society:
   a. The freeze strength of the society as on date.
   b. In case the freeze strength had been increased beyond 600, then the true copies of the
      written approval by RCS and DDA.

PIO’s Reply:
Not enclosed.

Grounds for First Appeal:
Information not provided so far.

Order of the First Appellate Authority:
“that no reply has been given to the appellant by the SPIO. The SPIO is directed to provide point
wise specific reply to the Appellant within 15 days”.

Grounds for Second Appeal:
Information not provided within time limit. Non compliance of FAA’s order.
**Relevant Facts emerging during Hearing:**
The following were present:

**Appellant:** Absent;

**Respondent:** Mr. M. M. Mondal, SI on behalf of Mr. Ashok Kumar Sharma, PIO & AR(NW);

The Respondent admits that no information has been given to the appellant until 17/05/2010. The RTI application had been filed on 24/12/2009. The FAA had also ordered on 05/02/2010 that information should be provided within 15 days. However, the PIO has chosen to defy the RTI Act and the order of the FAA. The information shown to the Commission appears to be adequate.

The Respondent states that the PIO at the time of application and at the time of the FAA’s orders was Mr. Ved Prakash.

**Decision:**
The appeal is allowed.

The information is claimed to have been sent on 17/05/2010 to the Appellant.

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

From the facts before the Commission it is apparent that the then 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 then 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.

Mr. Ved Prakash the then PIO will present himself before the Commission at the above address on **10 June 2010 at 10.30am** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1).

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
19 May 2010

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

CC:
To,

Mr. Ved Prakash the then PIO through Mr. Ashok Kumar Sharma, PIO & AR(NW);