Appellant : Mr. M. L. Katariya,
B-204, B-Block, HIG,
Jhulelal Apartment,
Pitampura, Delhi-110034

Respondent : Assistant Registrar(NW) & PIO
O/o the Registrar of Cooperative Societies
Govt. of NCT of Delhi, Parliament Street,
New Delhi-110001

RTI application filed on : 22/12/2009
PIO replied : Not replied.
First Appeal filed on : 29/01/2010
First Appellate Authority order : 09/02/2010
Second Appeal Received on : 19/03/2010

Information sought:
Appellant sought following information in reference to a letter dated 25/07/2005 with regard to regularisation of allotment of flats issued by AR(NW) to the Jhulelal SNCGH Society:
   a. True copies of reports submitted by the society in compliance of the provisions of DCS Rules.
   b. The date on which the society has submitted the information as required vide the above letter dated 25/07/2005.
   c. In case the society has not submitted the information, details of action taken by the office of RCS against the society since the issuance of the letter dated 25/07/2005 till date.

PIO’s Reply:
Not enclosed.

Grounds for First Appeal:
Information was not provided.

Order of the First Appellate Authority:
“The SPIO is directed to provide point-wise reply as per record available, to the Appellant within 15 days.”

Grounds for Second Appeal:
Noncompliance of FAA’s order.

Decision:
The Commission has perused the documents submitted by the Appellant. The Appellant filed a RTI Applications on 22/12/2009. As the Appellant did not receive any reply he filed a First
Appeal on 29/01/2010. The First Appellate Authority held a hearing in the matter on 08/02/2010 which was attended Mr. KK Malhotra, Dealing Assistant on behalf of the SPIO. The First Appellate Authority directed the AR (NW) & SPIO vide order dated 09/02/2010 to provide specific point-wise reply to the Appellant as per available records within 15 days of issue of the order. However, till the date of filing of Second Appeal (17/03/2010), the Appellant had not been provided any information by the PIO.

The information as directed by the First Appellate Authority clearly falls within the definition of Section 2(f) of the RTI Act and no exemption can be claimed to refuse disclosure by the PIO. If the information would not have been available with the PIO or if any exemption under Section 8(1) or 9 applied in the present case, the First Appellate Authority would have made an observation in that respect. However, no such observation has been made. The Commission therefore directs the AR (NW) & SPIO to comply with the order of the First Appellate Authority and provide the point-wise specific information to the Appellant before 30 April 2010.

**The Appeal is allowed.**

**Complete point-wise information should be provided to the Appellant before 30 April 2010.**

The AR(NW) & SPIO is directed to submit proof of sending the information to the Appellant to the Commission before 05 May 2010.

From the facts before the Commission it is apparent that the AR (NW) & SPIO is guilty of not furnishing the complete information within the time specified under sub-section (1) of Section 7. He 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 had clearly ordered the information to be given. It appears that his actions attract the penal provisions of Section 20 (1). A show cause notice is being issued to him, and he is directed to 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 **13 May 2010** at **11.30 a.m.** along with his written submissions to show 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 and for not complying with the order of the First Appellate Authority, the AR (NW) & SPIO is directed to inform such persons of the show cause hearing on 13 May 2010 and direct them to appear before the Commission on 13 May 2010 along 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  
07 April 2010

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