

PUBLIC GRIEVANCES COMMISSION

(Govt. of National Capital Territory of Delhi)

APPELLATE AUTHORITY

[Under Section 7, Delhi Right to Information Act, 2001]

Date of Hearing : 19.06.2018

Date of Decision : 19.06.2018

Applicant : Sh. Suraj Singh

Respondent : Dy. Commissioner (West Zone)
South DMC, New Delhi

Appeal No : **580, 581 &582/2017**

Appeal filed on : 04.12.2017

DRTI Application filed on : 04.10.2017

Competent Authority replied on : -

1. Background :

Sh. Suraj Singh, the appellant vide his three applications under Delhi Right to Information Act, 2001, had sought information from the Competent Authority notified under the DRTI Act-2001.

Aggrieved by non-receipt of information from the Competent Authority, the appellant filed the appeals before the Appellate Authority, Public Grievances Commission under Section 7 of DRTI Act -2001.

2. Proceedings

The appellant is not present. Shri Shrikant Prasad, AE (Building), West Zone, South DMC, is present on behalf of the respondent / Competent Authority. The reply submitted on behalf of the department has been examined.

Since the appellant and the respondent department in all the three appeals are the same, a joint order is being issued in respect of all the three cases.

3. Decision

(i) **Appeal No. 580/2017**

(ii) **Appeal No. 581/2017**

(iii) **Appeal No. 582/2017**

The appellant is seeking information relating to various properties in West Punjabi Bagh, Rajouri Garden on which illegal and unauthorised construction is allegedly being carried out.

In the hearing on 23/04/2018, the department submitted replies stating that the information sought by the appellant is not in the larger public interest and hence, is denied u/s 8(i)(j) of the Right to Information Act, 2005.

This reply was outrightly rejected by the Appellate Authority since the same was not signed by the Competent Authority and also provisions mentioned therein relates to

Right to Information Act, 2005, whereas the appellant had submitted his application under the Delhi Right to Information Act, 2001.

On 05/06/2018, again none from the department was present nor any information has been furnished. The Appellate Authority / PGC noted that the appellant had filed his application under Delhi Right to Information Act, 2001, in the month of October / November, 2017 and even after lapse of over 6 months, satisfactory information has not been provided to him so far.

A perusal of the record reveals that it is a case of dereliction of duty and denying information to the applicant on the part of the Competent Authority. And, the DRTI Act & Rules 2001 under its provisions Section 9(2) and Rule (6) respectively provide for penal action/initiating disciplinary proceeding against concerned officials.

The Competent Authority is hereby directed to appear in person or through an authorised representative on the next date of hearing alongwith an explanation as to why the sought / requisite information, permissible under the Delhi Right to Information Act / Rules, 2001 was not furnished to the appellant. And why the Competent Authority or his authorised representative did not appear before the Commission on the date of hearing i.e. 05/06/2018.

This shall be treated as the last opportunity granted under Section 7(3) of the Delhi Right to Information Act, 2001, failing which a final decision, as deemed appropriate, shall be passed by the Commission.

The Competent Authority is further directed to furnish the pointwise reply to the queries of the appellant within 10 days from the date of issue of this order, directly to the appellant, with a copy to the Appellate Authority.

A senior representative well conversant with the facts of the matter shall **only** be deputed to attend the next hearing in this appeal case.

The next hearing in this appeal case is scheduled for **Tuesday, 19th June, 2018 at 11:00 AM.**

(SUDHIR YADAV)

Member,

Public Grievances Commission

Copy to :

1. The Commissioner, South DMC
Dr. Shyama Prasad Mukherjee
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Road, New Delhi – 110 002.
2. Shri Aman Gupta
Deputy Commissioner
(West Zone), South DMC
Community Centre, Vishal Enclave,
Rajouri Garden, New Delhi – 27.
3. Sh. Suraj Singh,