

PUBLIC GRIEVANCES COMMISSION

(Govt. of National Capital Territory of Delhi)

APPELLATE AUTHORITY

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

Appeal No. 285/2018/PGC/DRTI/ North DMC dated 01.8.2018

Date of Hearing : 6.12.2018

Appellant : Sh. Krishan Kumar Jindal

Competent Authority : Addl. Commissioner, Land & Estate
North DMC

Application under DRTI : 28.5.2018

1 Background :

The appellant vide DRTI application dated 28.5.2018 has sought information on total 01 point. Aggrieved by non receipt of information from the Competent Authority, he filed this appeal.

2 Proceedings

The appellant is present. Sh. Sanjay Mathur, DA/L&E, North DMC is present on behalf of the department.

Perusal of the DRTI application of the appellant reveals that he has sought photocopies of documents relating to acquisition of land wherein Khasra No. 308 and 314, Village Salimpur Mazra, Madipur which was acquired for the purpose of MC Primary School and a park in the year 2006. In response, the representative of the department submitted a letter dated 3.12.2018 in which it has been informed that Sh. Krishan Kumar Jindal had already applied for inspection of record file under RTI Act 2005 and the department vide their letter dated 22.6.2018 has allowed him to inspect and deduce the information/record on any working day. However, the department has also, in the last para of their letter, informed that it will not be in the fitness of things to provide him copy of records.

Perusal of the reply of the department reveals that they have taken a contradictory stand by furnishing information to the appellant under two different acts viz. RTI Act 2005 and DRTI Act 2001. Whereas he has been allowed inspection under the RTI Act 2005, but he is being denied the same under DRTI Act -2001. No specific ground has been furnished by the department for not allowing inspection of the relevant file and for providing photocopies of documents to the appellant under the DRTI Act 2001. The appellant submits that these documents are required by him to defend his case in

various courts for example Revenue Courts, Districts Courts and the Hon'ble High Court of Delhi.

3 Decision

As discussed above, since no specific reason has been provided by the department to deny inspection of relevant records to the appellant, it is hereby directed that the Competent Authority viz. Addl. Commissioner (Land & Estate) North DMC shall allow inspection of relevant records to the appellant within 02 weeks from the date of receipt of this order. Thereafter photocopies of documents identified by the appellant shall be made available to him on payment of fee as prescribed under the DRTI Rules 2001.

With the above direction, the appeal case is ordered to be disposed of at the Commission's end.

(ASHOK KUMAR)

Chairman,

Public Grievances Commission

Copy to:-

- 1 The Addl. Commissioner (Land & Estate), 4th floor, North DMC, Dr. Shyama Prasad Mukherjee Civic Central, J.L. Nehru Marg, New Delhi-110 002
- 2 Sh. B.N. Perai, Asstt. Commissioner/ Land & Estate, 7th floor, North DMC, Dr. Shyama Prasad Mukherjee Civic Central, J.L. Nehru Marg, New Delhi-110 002
- 3 Sh. Krishan Kumar Jindal