

**OFFICE OF THE FIRST APPELLATE AUTHORITY
LAND & BUILDING DEPARTMENT
B-BLOCK: VIKAS BHAWAN, NEW DELHI.**

No. P.S/S.S/L&B/1871/2020/Appeal/

Dated:

IN THE MATTER OF:

Sh. Keshav Sharma
V/s
SPIO/ASC (Writ Cell)
Land & Building Department
GNCT of Delhi, I.P. Estate, New Delhi.

Appellant

Respondent

ORDER

This order will dispose-off the appeal filed by Sh. Keshav Sharma in respect of RTI I.D. No. 15408.

1. Sh. Keshav Sharma, Appellant present on the date of hearing i.e. 09.10.2020.
2. Sh. S.K. Shrama, SPIO/ ASC (Writ Cell) present on the date of hearing.
3. Case called. During the hearing the applicant Sh. Keshav Sharma points out that he was asked to deposit Rs. 184/ which should be refunded on grounds of delay. The PIO point out the RTI act does not have any provision about refund of deposit. PIO further point outs that the deposit of receipt was not handed over to him. Appellant explains that since the information was not supplied on time, the demand of Rs. 184/- was wrong and hence needs to be refunded. Appellant further states that information were not supplied on time, sections Proviso 6(3), 7(3) (a) and 7(6) of the RTI Act with statutory provisions were not complied.
4. The PIO seeks that the information was sought for which payment thereof was communicated on time. He further states that if the appellant deposited the cost of information then the issue of refund does arise. PIO further states that the files for which information was sought were under process and they were delayed. However, the information was supplied in due course. Out of 5 files, information for 4 files was given on 28.05.2020 and 1file was given 12.06.2020. The appellant agitated the delay in supply of information though it was sought on 04.02.2020. Demand notice for payment was issued on 02.03.2020 for all the 5 files. Payment was paid on 09.03.2020 is handed over to the PIO. The PIO objects to the same and denies having received the payment receipt of Rs. 184/- personally. The PIO stated that the requisite information has already been given to the appellant.
5. I feel that the purpose was lost in the personal comments during the hearing. The focus in appeal has been diverted to attacks and insinuations. The appellant had been working in the department earlier and has sought access to certain information under the RTI Act 2005. The PIO had acted accordingly but due to the lockdown the supply of information got delayed. Further, the issue of refund of paid amount is not expressly stated in the statute the averments of appellant regarding the implication of the provisions, though bonafide cannot be accepted as being out of jurisdiction at the level of First Appellate Authority. It is beyond the Competence of the FAA to interpret the law. He is bound to

follow the mandate under law. Hence, inspite of the fact that there has been delay in the supply of information, the circumstance arising out of lockdown, present a ground for condoning the delay.

According to the delay is condoned the grounds of force majeure. The request of refund of fees is declined on being not covered in the scheme of law under the RTI Act, 2005.

In light of the above, this appeal is disposed-off accordingly.

However, if aggrieved with this decision he may file an appeal before the second Appellate Authority within 90 days of receipt of this order.

Second Appellate Authority

Central Information Commission
Baba Gang Nath Marg, 3rd Floor,
Munirka, New Delhi-67.

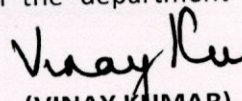
(VINAY KUMAR)
First Appellate Authority/
Spl. Secretary (L&B)

No. P.S/S.S/L&B/1871/2020/Appeal/ 4090-23

Dated 16/10/2020

Copy for information and necessary action to:

1. Sh. Keshav Sharma R/o C-44, Silver Oak Apartment, I.P. Extension, Patpargani, New Delhi-110092(M. No. 9266178888).
2. The SPIO/ASC (Writ Cell), L&B Department, Vikas Bhawan, New Delhi.
3. The Dy. Secy. (RTI), L&B Department, Vikas Bhawan, New Delhi.
- ✓ 4. The System Analyst, L&B Department for uploading this order on the department website.


(VINAY KUMAR)
First Appellate Authority/
Spl. Secretary (L&B)