

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

No. P.S/S.S/L&B/1751/2020/Appeal/

Dated:

**IN THE MATTER OF:**

Shri Virender Kumar  
V/s  
The Dy. Secretary (ALT)  
Land & Building Department  
GNCT of Delhi, I.P. Estate, New Delhi.

Appellant

Respondent

**ORDER**

This order will dispose-off the appeal of Shri Virender Kumar in Compliance of the direction of Hon'ble CIC in reference Second appeal no. CIC/LABDT/A/2019/123483 filed him in respect of RTI I.D. No. 14585 before the Central Information Commission. The Hon'ble Information Commissioner remanded the case to FAA/Special Secretary (L&B Deptt.) to provide a fair hearing to both the parties, address the queries of the Appellant and pass a reasoned, speaking order, with a copy marked to the Commission.

Accordingly hearing notices has been issued for hearing on 23.09.2020, 28.09.2020 and finally on 09.10.2020.

1. Shri Virender Kumar, Appellant present on the dates of hearing.
2. Shri Vijay Raj, Section Officer for SPIO/DS (ALT) present on the dates of hearing.
3. Case called. During the hearing The PIO States that the original file is still not available and eligibility cannot be determined otherwise in absence of original file. The applicant files his detailed submission with enclosures. He argues that the noting part of Part file show presence of original file. PIO seeks time to search the file again.

The PIO refers his to reply dt. 22.02.2019. The appellant though admits receipt of the same but denies any satisfaction from the said reply. He further states that he had filed first appeal against the same and PIO has not given any satisfactory reply inspite of orders of FAA in 1st Appeal.

The appellant shows his anguish that for past 18 years he has filed several representations for claiming alternate plot but no reply has been sent to him about decision on his representation. Information was given only when he has sought information under the RTI Act 2005. The appellant draws attention to the excerpt of departments file at page no. 58 of his written submissions with DS (Alt) regarding non-availability of the file and therefore closure of the case apart from reminder to Incharge of Control Room.

There are two aspects to this entire matter. The first relate to decision on the application for alternate plot and the other relates to supply of information. I feel if the first part is duly examined, the 2<sup>nd</sup> part would be resolved. Let a renewed effort be made to search



the original file. A status report cum detailed reply under RTI Act 2005 be issued to the appellants within 10 days from the date of order.

**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, 3<sup>rd</sup> Floor,  
Munirka, New Delhi-67.

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

Dated 16/10/2020

No. P.S/S.S/L&B/1751/2020/Appeal/ 4094-28

Copy for information and necessary action to:

1. Shri Virender Kumar S/o Late Sh. Sajjan Kumar R/o No. 208, Gali No. 20, Mangol Pur Kalan, Delhi-110085.
2. The Dy. Secy. (ALT), 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.

For kind information to:-

1. PS to Hon'ble Information Commissioner, CIC, Baba Gangnath Marg, 3<sup>rd</sup> Munirka, New Delhi-110067 w.r.t Second appeal no. CIC/LABDT/A/2019/123483 dt 17.05.2019.

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