

PUBLIC GRIEVANCES COMMISSION
(Govt. of National Capital Territory of Delhi)
APPELLATE AUTHORITY

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

Date of Hearing : 10/04/2019

Date of Decision : 10/04/2019

Applicant : Shri Sunil Kumar Sharma

Respondent : Deputy Commissioner (KP Zone)
North DMC

Appeal filed on : 06/11/2018

DRTI Application filed on : 12/09/2018

Since the parties involved in the Appeals are common these various Appeals are being clubbed together for hearing and disposal to avoid multiplicity of the proceedings and effective adjudication.

Appeal No. 479/2018/PGC/DRTI/MCD
Appeal No. 480/2018/PGC/DRTI/MCD
Appeal No. 481/2018/PGC/DRTI/MCD
Appeal No. 482/2018/PGC/DRTI/MCD
Appeal No. 483/2018/PGC/DRTI/MCD
Appeal No. 484/2018/PGC/DRTI/MCD
Appeal No. 485/2018/PGC/DRTI/MCD

1. Background

Shri Sunil Kumar Sharma, the appellant vide his applications dated 12/09/2018 under Delhi Right to Information Act, 2001, had sought information from the Competent Authority on 6 points each.

Being aggrieved with non receipt of any information, he filed these appeals before the Commission.

2. Proceedings

The appellant is not present.

Shri K.R.Meena, AE (B), KPZ-I, North DMC, is present on behalf of the Competent Authority. He submits that point-wise information in each case has already been sent to the appellant by the department, vide letter dated 05/11/2018. He submitted copies of the same in the hearing today.

The replies have been perused. At the outset, it is mentioned that in each reply the department has mentioned "**Monitoring Committee**" whereas the appellant in his DRTI application has sought information relating to complaints forwarded by "**STF**". It appears to be a case of oversight and accordingly, the Appellate Authority / PGC has considered the replies on their merits.

It appears that the replies have not been properly framed and are contradictory in nature. For example, in response to query no. 1, the department has informed that references / complaints are entered in diary register and has volunteered that the appellant can inspect the diary register. Whereas in query nos. 2 & 3, the department has mentioned that the information is third party and cannot be supplied. All actions taken against unauthorized constructions are available in the public domain and therefore, the information cannot be withheld on the ground that it is third party information, more so in view of the fact that the department is willing to accord inspection of records as mentioned in response to query no. 1.

In response to query no. 5, the department has informed that "booking of unauthorized construction is also an action u/s 343 and 344 (i) of DMC Act, 1957." Though it is not a part of the present DRTI appeal, but the Appellate Authority / PGC is of the view that theoretically booking can be considered as an action but practically, it has been observed that in a large number of cases no action is taken against booked properties even after lapse of considerable time. Therefore, booking must be effectively followed up by demolition / sealing action and must not remain only on paper.

The reply provided by the department in response to query no. 6 is also not satisfactory. If the same is not available ward-wise / in a compiled form, as informed by the department, then the appellant may be allowed to inspect the available records.

3. Decision

As mentioned above, the Competent Authority has provided information in respect of "**Monitoring Committee**" whereas the information sought by the appellant relates to "**STF**". The Competent Authority shall furnish a revised reply after correcting the same. Proper replies in respect of query nos. 2 & 3 may be incorporated in the revised reply, as advised above.

Further, in response to query nos. 1, 4 & 6, a date and time for inspection may be intimated to the appellant well in advance. Thereafter, copy of documents, identified by the appellant, after inspection of relevant record, shall be furnished to him, on payment of prescribed fee, in accordance with the provisions of Delhi Right to Information Act & Rules, 2001.

The revised reply shall be sent directly to the appellant within 10 days of receipt of this order, under the signature / stamp of the Competent Authority with a copy marked to this commission for information.

With the above direction, **the appeal case is ordered to be closed before the Appellate Authority / PGC.**

(ASHOK KUMAR)
CHAIRMAN,
PUBLIC GRIEVANCES COMMISSION

Appeal Nos. 479 to 485/2018/PGC/DRI/MCD/

Date :

Copy to :

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(email - kpzdc1@gmail.com)
2. Shri Sunil Kumar Sharma