

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/C/2015/000208

Petitioner : Shri S S Chawla
B-4/337, 1st Floor, Sec-8
Rohini, Delhi-110085

Public Authority : The Director (Works) & CPIO
M/o. Urban Development
P.S. Desk, NirmanBhwan, New Delhi

Date of Hearing : 09.03.2016
Date of Decision : 09.03.2016

Presence:

Petitioner : Shri S S Chawla
CPIO : Smt. C V Sarada, Under Secretary & CPIO

FACTS:

- I. Vide RTI application dated **23.06.2015**, the Petitioner sought information on **sole issue**.
- II. CPIO, vide its response dated **23.07.2015**, has provided the information to the Petitioner.
- III. The First Appeal (FA) was filed on **11.08.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated **24.08.2015**, upheld the views of CPIO.
- V. Grounds for the Petition filed on **14.09.2015**, are contained in the Memorandum of petition.

HEARING

Petitioner as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

It is pertinent to mention here that Shri S S Chawla vide his petition dated **14.09.2015**, requested this Hon. Commission as under:

“(a) Impose the cost/penalty on the CPIO, MoUD under Section 18(1) read with under section 20(1) & (2) of the RTI Act 2005.

(b) Award the compensation to the complainant under section 19(8) (b) of the RTI Act, 2005 as detriment caused to him.

(c) Issue direction to the Public Authority to furnish the certified copies of the files notings as sought by him RTI application dated 23rd June, 2015.

(d) Pass any other order as deemed fit in the facts and circumstances of the case for natural justice."

2. In view of the nature of the prayer clause (supra), the Commissioner feels that Shri S S Chawla, filed **petition in composite nature** whereby, the petitioner has sought the required information under **Section 19(3)** of the RTI Act 2005 along with **compensation** under **Section 19(8)(b)** of the RTI Act 2005 and also the **penal action** against the erring DDA officials under **Section 20(1)** of the RTI Act 2005. Thus, this **petition may be legally construed as composite petition** in the light of provisions of RTI Act 2005.
3. By virtue of above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the penal action & disciplinary action are allowed on such composite petition, the incorporation of Section 20(1) & 20(2) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
4. Further, in other words, it may be stated here that the required information along with compensation is legally permissible to be provided to the Petitioner, if he wishes to file the petition u/s 19(3) of the RTI Act 2005 i.e. **second appeal only** before this Commission. Similarly, the reliefs provided under Sub Clause (1) & Sub Clause (2) of Section 20 of the RTI Act 2005, are legally permissible to be provided to the petitioner, in case, he wishes to file the petition u/s 18 of the RTI Act 2005 i.e. a **complaint** before this Commission and, however, **not in otherwise**.
5. In view of the **position** above and in the **circumstances** of the case, the Commissioner feels that **in the absence of expressed & enabling** provisions under the RTI Act 2005 to file the **Composite Petition**, the instant composite petition is **devoid of merit** and deserves to be **dismissed**.

The petitions are **dismissed** accordingly.

(M.A. Khan Yusufi)
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

The Director (Works) & CPIO
M/o. Urban Development
P.S. Desk, Nirman Bhwan, New Delhi.

Shri S S Chawla

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