

**BEFORE STATE INFORMATION COMMISSION HARYANA, CHANDIGARH.
APPEAL UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT, 2005
SHOW CAUSE NOTICE NO. 015 OF 2009 UNDER Section 20(1)
IN CASE NO. 2134 OF 2008**

Mohd. Ashraf,
1567, Sector 10-A,
Gurgaon-122001.

.....Appellant.

Versus

1. First Appellate Authority-cum-Administrator, HUDA, Gurgaon.
2. SPIO-cum-Estate Officer-I, HUDA, Gurgaon.

.....Respondents.

Present

Smt. Ashima Sangwan, SPIO-cum-Estate Officer-I, HUDA, Gurgaon respondent in person.

The case was scheduled to be heard on 20.11.2009 but was taken up for hearing on 5.11.2009.

Facts:-

This matter has arisen in pursuance of the earlier orders passed by the Commission in this case on 14.1.2009.

As per the orders passed on 14.1.2009, a show cause notice was issued to the then SPIO-cum-Estate Officer-I, HUDA, Gurgaon to send his reply to the show cause notice by 15.2.2009. Sh. Vatsal Vashishth, LAO, Gurgaon-cum-the previous SPIO-cum-Estate Officer-I, HUDA, Gurgaon furnished his reply and the penal proceedings were dropped vide orders dated 23.6.2009. However, it was brought to the notice of the Commission that its orders dated 14.1.2009 had still not been complied with. The matter was heard on 23.6.2009 and during the hearing the Commission observed that as per communication dated 21.5.2009 of the appellant full and complete information had not been provided to him. The present SPIO-cum-Estate Officer-I, HUDA, Gurgaon was directed to send a compliance report vide Commission's letter dated 8.7.2009. Since no compliance report was received in the Commission it was decided to issue a show cause notice under Section 20(1) of the RTI Act, 2005 with the directions to send a reply by 18.10.2009. The said reply was received vide letter dated 14.10.2009 which is presently under consideration. In her written reply, the Estate Officer-I, HUDA, Gurgaon has informed the Commission that information as per the revised application dated 14.1.2009 was given to the appellant vide letter dated 23.3.2009, a copy of which was also sent to the Commission on the same date. As regards payment of compensation awarded by the same order, a consolidated payment of Rs.15,000/- was made to the appellant on 20.3.2009. As regards letter dated 7.6.2009 from the Commission seeking compliance, it has been intimated that this letter was not received in the Estate Office. A perusal of the communication dated 23.3.2009 shows that information has been furnished even though a copy of this was not received in the Commission. This resulted in the notice under Section 20(1) being issued to the SPIO. In a separate

hearing held today concerning the same appellant Mohd. Ashraf, the appellant has also accepted the fact that he has got information and his main grievance was with regard to cancellation of a plot belonging to his wife without giving extension of time as was done in a large number of cases. His revision petition is already pending before the Financial Commissioner & Principal Secretary to Govt. Haryana, Urban Estates Department. He even withdrew two appeals under Section 19(3) filed by him in the hearing held today.

In view what has been stated above, the only lapse on the part of the SPIO was that compliance report was not sent in time. She has been cautioned to ensure that compliance reports are always sent on time to avoid facing penal proceedings under Section 20(1) of the RTI Act, 2005. The following directions are hereby given in this case:-

1. Penal proceedings under Section 20(1) of the RTI Act, 2005 against the SPIO-cum-Estate Officer-I, HUDA, Gurgaon, are hereby dropped.

Announced. To be communicated.

Place: Chandigarh
Dated: 5.11.2009

-sd/
(G. Madhavan)
Chief Information Commissioner,
Haryana, Chandigarh.