

**OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1ST APPELLATE
AUTHORITY (UNDER RTI ACT 2005), UNION TERRITORY, CHANDIGARH**

Appeal Order No. D-41-43

/UT/RTI/SSP, dated : 28.01.19

Name of Appellant : Charu Kapoor and
Suresh Mohan Sharma
Both R/o #137 Sector 21-A,
Chandigarh

Concerned CPIOs : CPIO/East

Date of RTI application : 03.08.2018

Reply of CPIOs : 25.08.2018

Date of receipt of 1st Appeal : 07.12.2018

ORDER


The appellants has preferred their 1st appeal against the reply/order of CPIO/East with the contentions that requisite information was not supplied to them. The instant appeal is filed by two appellants Ms. Charu Kapoor and Sh. Suresh Mohan Sharma R/o H. No. 137, Ground Floor, Sector 21 A, UT Chandigarh. The same was diarized vide No. R-732/UT/RTI/SSP dated 07.12.2018.

Information sought vide RTI application :

The appellant had sought information with regard to tenants residing at House No. 137, Ground floor, Sector 21-A, Chandigarh, (owned by Mr. Umesh Jain R/o Flat No. 14, GH-74, Sector 20, Panchkula, Haryana) from 2009 to till date.

Comments of CPIO/East :

CPIO/East submitted that RTI application was received in his office directly from the appellants for seeking information pertaining to tenants residing at House No. 137, Ground floor, Sector 21-A, Chandigarh (owned by Mr. Umesh Jain R/o Flat No. 14, GH-74, Sector 20, Panchkula, Haryana) from 2009 to till date. Thereafter, requisite information was obtained from SHO PS 19 who provided the available information about the tenant Sh. Sher Singh and his family, currently

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residing at ground floor of house no. 137, sector 21, Chandigarh. The appellant was informed accordingly vide letter no. 341/RTI/CPIO/East dated 25.08.2018.

Decision :

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/East vis-à-vis material available on record which revealed that the appellant had sought information with regard to tenants residing at House No. 137, Ground floor, Sector 21-A, Chandigarh (owned by Mr. Umesh Jain R/o Flat No. 14, GH-74, Sector 20, Panchkula, Haryana) from 2009 to till date.

In reply, CPIO/East had obtained the requisite information from the SHO PS Sector 19 and provided the available information to the appellant. The appellant also informed about the current tenant Sh. Sher Singh and his family, residing at ground floor of house no. 137, sector 21, Chandigarh.

So far as the appeal is concerned, the facts revealed that appellants had filed the RTI application on 03.08.2018 which was disposed of by the CPIO/East on 25.08.2018. Thereafter, the appellant had 30 days statutory period for filling the 1st appeal but appellants had filed their first appeal on 07.12.2018 after the delay of 73 days. Accordingly, appellant was provided with opportunity for explaining the valid/cognent reason for condoning the aforementioned delay vide letter No. D-09/UT/RTI/SSP dated 03.01.2019. In response, appellants have submitted their version which is as under:-

"matter for filling appeal against RTI reply was got delayed on account of illness of my wife, since, I had to look after her. Keeping this in view, kindly condone the delay in filling appeal."

Considering the reply of the appellants the delay is hereby condoned and the appeal is entertained.

However, it is also pertinent to mention here that the appellants has sought the information about the tenants resided/residing in the House No. 137, Ground Floor, Sector 21 A, Chandigarh, owned by Mr. Umesh Jain R/o Flat No. 14, GH-74, Sector 20, Panchkula, Haryana, from 2009 to till date. So, information sought

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for, is not primarily concerned with the appellants, hence, a third party information which cannot be supplied straightway to any person without following the provisions of Section 11 of RTI act. But CPIO/East has supplied the available information to the appellant without considering the provisions of section 11 of RTI act, compromising the privacy of the individuals concerned.

✓ Now, the appellants vide his appeal has sought the period of tenancy of tenants of Sh. Khem Chand and Sh. Sher Singh Kaushal and his family which is also a third party information, attracting the provisions of section 11 of RTI act.

Keeping in view of the aforementioned facts, the CPIO/East has wrongly provided the requisite information to the appellants without following the provisions of RTI act. Hence, CPIO/East is hereby directed to submit a report in this regard before the undersigned within a week. As far as the remaining information about the aforesaid tenants is concerned, CPIO/East is further directed to take the consent of the individuals concerned u/s 11 of RTI act and thereafter, ~~supply~~ the requisite information to the appellants, as per RTI act. **supply**

With aforementioned observations, the appeal of the appellant is disposed of accordingly.

In case, the appellant is not satisfied with the disposal of his appeal, as above, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi - 110067 under the RTI Act within 90 days.

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(Nilambari Jagadale, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

1. Charu Kapoor and
Suresh Mohan Sharma
Both R/o # 137, Sector 21-A, Chandigarh
2. CPIO/East
- ✓ 3. Computer Section

HC Sangha
for me
Kulinder
Insp.
Computer Section
dt 28/11/19