RTI APPEAL DETAILS (आरटीआई अपील विवरण)

Appeal Registration Number (अपील पंजीकरण संख्या) :	DUACO/A/E/21/00009	**RTI Appeal Received Date (आरटीआई अपील प्राप्त की तिथि) :**	10/11/2021
RTI Request Registration No. (आरटीआई अनुरोध पंजीकरण संख्या):	DUACO/R/E/21/00022	**RTI Request Registration Date (आरटीआई अनुरोध पंजीकरण की तारीख) :**	12/10/2021
Name (नाम) :	Murti	**Gender (लिंग) :**	Female
Address (पता) :	16/64 A old chandrawal, Civil linesDelhi		
Pin code (पिन कोड) :	110054		
State (राज्य) :	Delhi	**Country (देश) :**	India
Phone Number (फोन नंबर) :	+91-9560740419	**Mobile Number (मोबाईल नंबर) :**	+91-9560740419
Email-ID (ईमेल-आईडी) :	murtidel90@gmail.com		
Status (स्थिति) :	Urban	**Educational Status (शैक्षणिक स्थिति) :**	
Citizenship Status (नागरिकता) :	Indian	**Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :**	No
CPIO Approached (संपर्क सीपीआईओ) :	21300	**Date of Receipt of CPIO's Order/Decision(सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) :**	Details not provided
CPIO's Order/Decision No.(सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided		
Ground for Appeal(अपील का आधार) :	Refused access to Information Requested		
Text of RTI First Appeal (आरटीआई प्रथम अपील का पाठ) :	As per attached document		

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To,

Dated 10th November 2021

Ms. RUBY KAUSHAL

First appellate Authority

DUAC, Delhi

Sub: appeal against the reply given by the CPIO on 8 October 2021 on the RTI application DUACO/R/E/21/00022 filed by the applicant on 12 October 2021

Respected Madam,

It is humbly submitted that

1. The appellant had sought the information through its RTI application DUACO/R/E/21/00022, filed on 12th October 2021
2. The CPIO has invoked exemption under 8(1)(d) & 8(1)(e) of the RTI Act 2005 for point no 1 to 4 of the RTI application and refused to provide information sought by the appellant.
3. I am not satisfied with the reply furnished by the CPIO and hence preferring this first appeal before you.
4. The ground invoked by the CPIO for seeking exemption are not justified due to following:

    a. **Seeking exemption under Section 8(1)(d) the RTI Act 2005,** is only applicable if the information sought for is including commercial confidence, trade secrets or intellectual property and the disclosure of which would harm the competitive position of a third party. Also, even If this the case, the CPIO must satisfy itself if the larger public interest warrants the disclosure of such information.

    The CPIO without giving a reasoned order has simply invoked the section without satisfying himself if there was any trade secret/commercial confidence /intellectual Property involved or the disclosure of the information was any way hampering /affecting the third-party competitive interests (at least in the case of Layout & building plans submitted for the 6 Flag staff Road of the proposed residence of CM of Delhi). Also, CPIO has failed to appreciate that larger public interest will be served by disclosing the information as ordinary citizen will come to know about what for the approval/rejection has been given so that if he/she is affected by the approval given or the project construction is not going as per approval given, they could timely intervene for the addressal of their grievances.

    In the 6 Flag staff road project case, it is PWD/NDMC perhaps who have submitted the proposal to DUAC, **hence there is neither any commercial/trade secret/Intellectual Property involved and nor the disclosure of information rules out any larger public interest**.

    b. **Seeking exemption under Section 8(1)(e) the RTI Act 2005,** is only applicable if the information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information. Here no fiduciary relationship exists between PWD/NDMC and DUAC at least in case of 6 Flag Staff

Road project approval, as under section 11(a) of DUAC act 1973, DUAC is duty bound to receive the DUAC act designated proposals and give its approval/rejection/modification on the proposal submitted to it. **The information submitted to DUAC as part of proposal and the implementation to be done by PWD/NDMC involves public expenditure and hence it warrants disclosure of the information to the RTI applicants.**

c. CPIO has also failed to note that when a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, **as per section 10 of RTI act 2005, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under RTI Act and which can reasonably be severed from any part that contains exempt information.** However, CPIO has not invoked this provision and has simply refused to the appellant to provide any information related to point 1 to 4 of the RTI application of the appellant.

d. Accordingly, is humbly submitted that none of the information sought by the appellant falls under the exempted category and warrants disclosure of the same at the earliest either in full or by severing the records under section 10 of RTI At 2005.

5. In view of above, it is humbly prayed that this appeal be allowed and the information as sought by the appellant in his RTI application DUACO/R/E/21/00022, filed on 12th October 2021 be provided at the earliest.

Your Sincerely

Murti, appellant