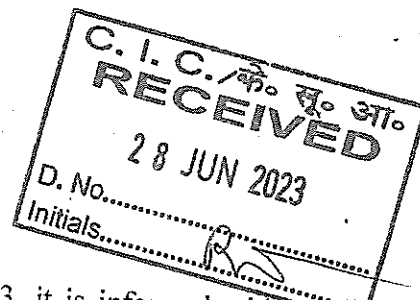


Central Information Commission
CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi 110067
Phone no 26186535

CICOM/R/E/23/00656

28.06.2023

Shri Arun Pandey
Tower D, Flat No. 2101,
Jewel of Noida, Sector-75
Near Noida Sector 50 Metro Station
Noida-201301



Subject: - Supply of Information under RTI Act 2005

With reference your online RTI application dated 14.06.2023, it is informed with respect to point 1 of the RTI application that a copy of order dated 14.06.2023 sent to Chairman, UP-RERA is enclosed. With reference to point 2, it is informed that no recording is done

In case the applicant is not satisfied with the above reply, he can prefer appeal within 30 days of receipt of this letter to the First Appellate Authority, whose address is as under:-

Ms. Roop Avtar Kaur, Additional Secretary
Room no 502, CIC Bhawan, Baba Gang Nath Marg
Munirka New Delhi- 110067

(S.K. Chitkara)
CPIO/Designated Officer

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/DEPOL/A/2022/660401**
CIC/DEPOL/A/2022/660418
CIC/LADOF/A/2022/651430

Shri Arun Pandey

... अपीलकर्ता /Appellant

VERSUS/बनाम

PIO,

...प्रतिवादीगण /Respondent

1. Delhi Police
2. Ministry of Housing & Urban Affairs(Housing Division), New Delhi

Date of Hearing : 13.06.2023

Date of Decision : 14.06.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 nd Appeal received on
660401	06.09.2022	06.10.2022	13.10.2022	12.11.2022	17.11.2022
660418	05.09.2022	03.10.2022	14.10.2022	12.11.2022	17.11.2022
651430	05.09.2022	07.09.2022	09.09.2022	14.09.2022	22.09.2022

Information sought and background of the case:

(1) CIC/DEPOL/A/2022/660401

The Appellant filed an online RTI application dated 06.09.2022 seeking information on the following:-

The Station House Officer North Rohini of Delhi Police in his Status Report dated 14-08-2022 of Case No. CRL.M.C./2172/2022 with the Honble High Court of Delhi has submitted that in the Year 2019, a Complainant Arun Pandey has been added in the present FIR no. 68/2019 U/s 420/34 IPC dated 27-02-2019 wherein Shri Umesh Chandra Rai is a Complainant.

Also, the Investigating Officer North Rohini of Delhi Police in his Status Report dated 10-06-2022 submitted against the Bail Application No. 1477/2022 filed in the Rohini Court of ASJ Mohd Farrukh has mentioned that previous IO in the Year 2019 has added a Complainant Arun Pandey in the present FIR no. 68/2019 U/s 420/34 IPC dated 27-02-2019 wherein Shri Umesh Chandra Rai is a Complainant.

Considering the above mentioned fact, please provide your kind response to the below Query :

Please provide a fresh FIR copy to this RTI applicant and Complainant Arun Pandey in the format as the same was issued to Shri Umesh Chandra Rai by PS North Rohini. The FIR copy dated 27-02-2019 is attached as a reference document.

The PIO/Addl. DCP, Rohini District, vide letter dated 06.10.2022 replied as under:-

Reply: - In reference to your application dated 06.09.2022 which was received in this office on 09.09.2022 through online seeking information under Right to Information Act-2005, I am to state the point wise reply, in seriatim, on the basis of report/comments obtained from SHO/North Rohini through ACP/Rohini, Rohini District, Delhi Police, Delhi is as under :-

Point No.	Reply/Answer
•	As per report obtained from SHO/North Rohini, FIR No. 68/2019 dt. 27.08.2019 U/s 420/34 IPC PS North Rohini was registered on the complaint of Sh. Umesh Rai. Further during the course of investigation one complaint from Sh. Arun Pandey was received and same was attached with the present case. Rest of the information cannot be provided U/s 8.1(h) of RTI Act-2005.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 13.10.2022. The FAA/DCP, Rohini District, vide order dated 12.11.2022 stated as under:-

Contentions put forth by the appellant and report of the PIO/Rohini District, Delhi have been considered. The undersigned has gone through the record placed on file. PIO/RD has provided relevant information to the appellant vide this office letter dated 06.10.2022. However, on appeal of the appellant, a fresh report has been obtained from concerned and copy of the same is being provided to the appellant, with this order [1 PP]. Moreover, the appellant can meet the Sub.Div./ACP/SO and IO of the concerned Police station regarding his grievances in working hours. With these observations, the appeal is disposed off.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

(2) CIC/DEPOL/A/2022/660418

The Appellant filed an online RTI application dated 05.09.2022 seeking information on the following:-

As per attached Order dated 14-07-2022 by ASJ Mohd Farrukh (North West - Rohini Courts) in the matter of Bail Application No. 1477/2022, the Applicants/Accused Ankroday @ Abhishek and Somesh Chandra are required to appear before the Trial Court. Please find attached the Order copy and provide the following informations :

1. Please provide the date when Delhi Police will start the Trial procedure

2. Please provide details of procedure to be defined in Trial Court

3. Have Applicants furnished the Personal Bond of Rs. 1,00,000/- each so far

The PIO/Addl. DCP, Rohini District, vide letter dated 03.10.2022 furnished the report received from SHO/North Rohini as under:-

Kindly refer to your office RTI No. 2001/RTI Cell/RD, Dated:- 08.09.2022 & RTI No. 957/ACP/Rohini, dt. 08.09.2022.

Requisite information related to Police Station North Rohini on the subject cited above is as under: -

1. As and when investigation of Case FIR No. 68/2019 Dt 27.08.2019 U/s 420/34 IPC, PS North Rohini will be completed, then the trial procedure in the respective Court will be initiated.
2. Pertains to respective Court.
3. One personal Bond has been furnished and another one is yet to be furnished shortly.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 14.10.2022. The FAA/DCP, Rohini District, vide order dated 12.11.2022 stated as under:-

Contentions put forth by the appellant and report of the PIO/Rohini District, Delhi have been considered. The undersigned has gone through the record placed on file. PIO/RD has provided relevant information to the appellant vide this office letter dated 3.10.2022. However, on appeal of the appellant, a fresh report has been obtained from SHO/North Rohini on Point No. 1 and copy of the same is being provided to the appellant, with this order [1 PP], as regard Point No.2.- the appellant has asked different question in appeal, hence the same could not be replied as per RTI Act-2005. With these observations, the appeal is disposed off

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging during the hearing

The Appellant participated in the hearing through video conference. He stated that in Second Appeal No CIC/DEPOL/A/2022/660401, the copy of the FIR referred in the RTI application was not provided, till date. In Second Appeal No CIC/DEPOL/A/2022/660418, he desired to know the complete criminal trial procedure.

The Respondent represented by Shri Vipin Kumar, ACP, Rohini Sub Division; Shri Bijay Kumar, Inspector and SHO, North Rohini; Smt Kamal Duggal, Inspector, RTI, Rohini District and Shri Manoj Yadav, SI and IO, PS North Rohini participated in the hearing through video conference. Shri Vipin Kumar referred to the report of SI Manoj Yadav, PS North Rohini dated 03.11.2022 and stated that this is a multi victim/ complainant case as there were 4 other complainants apart from the Appellant and that the accused in the matter have been arrested. Since, the charge sheet in the matter would be filed soon before the concerned court, the Appellant will receive all the relevant documents thereafter. Shri Kumar also stated that it is beyond the scope of responsibilities of the CPIO to provide clarifications/ explanations to the information seeker regarding the criminal trial procedure and that the Appellant may approach a criminal law practitioner/ advocate to address his clarifications.

Decision

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeals stand disposed off accordingly.

(3) CIC/LADOF/A/2022/651430

The Appellant filed an online RTI application dated 05.09.2022 seeking information on the following:-

This RTI applicant has submitted New Addresses of Directors of M/s Resizone Developers Private Limited to Shri Uma Shankar Singh (Joint Secretary - UP RERA) on 19-01-2022 during official meeting with him. Also through UP RERA Samvaad, the detailed Letter was shared with Shri Rajive Kumar (Chairman - UP RERA).

Please find attached the Receiving copy of that Letter and provide the details of action taken by UP RERA officials on Recovery of money against RC No. 82017461 dated 11-05-2019.

The CPIO, Ministry of Housing & Urban Affairs, vide letter dated 07.09.2022 replied as under:-

Reply :- The matter relates to State Government of Uttar Pradesh . Moreover, Land and Colonization being State subjects, hence the matter may be taken up with Principal Secretary (Housing), UP State Government for taking necessary action.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 09.09.2022. The FAA/SE (Housing), Ministry of Housing & Urban Affairs, vide order dated 14.09.2022 stated as under:-

2 After going through the relevant papers, it has been observed that the RTI Application under Regn. No. MOURB/R/E/22/01952 dated 05.09.2022 was received by the concerned CPIO of this Ministry and the same was replied/disposed of online on 07.09.2022 (copy enclosed).

3. It is observed that the information sought by Shri Arun Pandey in his RTI application was regarding the matter of "Land and Colonization" which is State Subjects. Housing Division of this Ministry does not maintain any data/having with any document regarding Housing projects, the applicant was accordingly requested to take up the matter with Principal Secretary (Housing), Government of Uttar Pradesh.

4. After going through this appeal and the grounds thereof, it is seen that the reply of CPIO is in accordance with the provision of RTI Act, 2005.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

The Appellant participated in the hearing through video conference. He referred to his representation dated 05.09.2022 addressed to the Chairman, UP RERA as a follow up to his online conversation dated 01.09.2022 regarding registration of FIRs against the Directors of M/s Resizone Developers Pvt Ltd. He had filed the instant RTI application to know the details of the action taken by UP RERA officials for recovery of money against RC No 82017461 dated 11.05.2019 which was not provided till date.

The Respondent represented by Shri Sailesh Jogiani, US (Housing) participated in the hearing through video conference. He stated that the M/o Housing and Urban Affairs does not maintain any data relating to any housing projects in states. Land Colonisation being a state subject the action may be taken up by the UP RERA/ Pr Secretary (Housing), UP Government.

Decision

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent explaining their jurisdiction in the matter. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeal stands disposed off accordingly.

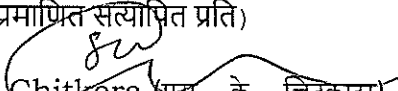
Sd/-

Y. K. Sinha (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)


S. K. Chitkara (एस. के. चिटकारा)

Dy. Registrar (उप-पंजीयक)

011-26186535

Copy to:

The CPIO

Addl. DCP, Delhi Police

Outer Distt ,

1st Floor, Nr. Rithala Metro Station

Sec-5, Rohini

Delhi – 110086

The Chairman,
UP RERA Naveen Bhavan,
Rajya Niyojan Sansthan,
Kala Kankar House,
Old Hyderabad,
Lucknow - 226007

The CPIO
US (Housing)
Ministry of Housing & Urban Affairs
Nirman Bhawan,
New Delhi - 110011

Shri Arun Pandey
Tower -D- 2101,
Jewel of Noida,
Sector 75, NOIDA
Uttar Pradesh - 201301

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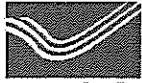
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30/06/2023	10:50:42	Sec 122 Noida SO	Item Received
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28/06/2023	14:56:10	JNU SO	Item Booked

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