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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9502/2024 & CM APPL. 38971/2024**

ASHOK KUMAR TANEJA

.....Petitioner

Through: **Mr. Gaurav Mishra, Advocate**

versus

PUBLIC GRIEVANCE COMMISSION & ORS.Respondents

Through: **Mr. Karn Bhardwaj, ASC with Mr. Shubham Singh, Mr. Rajat Gaba and Mr. Saurabh Dahiya, Advocates for R-1.**

Mr. Sanjeev Sabharwal, Standing Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.07.2024

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1. Issue notice. Counsel mentioned in appearance above accept notice. Issue notice to the remaining Respondents, upon filing of process fees, by all permissible modes.
2. Considering the nature of relief sought, no counter affidavit on behalf of the Respondents is necessary.
3. Since no one appeared on behalf of Respondent No. 2 – i.e., Municipal Corporation of Delhi¹, Mr. Sanjeev Sabharwal Standing Counsel for MCD who is present in Court today, has been requested to accept notice in the instant petition and the order passed today has been communicated to

¹ “MCD”



him.

4. The Petitioner contends that on 22nd April, 2024, an individual named Mr. Rajinder, purportedly from the office of Respondent No. 4/ Deputy Commissioner Shahdara, South Zone, MCD, conducted an unauthorized inspection of the Petitioner's residence. This inspection was allegedly based on a complaint from an individual named Hari Krishan. Although the Petitioner cooperated with the inspection, concerns about its legitimacy led him to file an application under the Delhi Right to Information Act, 2001², on 28th February, 2024. The application sought clarity on the official authorization granted for the inspection of his house. Upon receiving no response, the Petitioner escalated the matter by filing an appeal under Section 7(1) of the Delhi RTI Act with the Public Grievance Commission. This appeal was adjudicated in favour of the Petitioner through an order dated 25th April, 2024. Consequently, the Deputy Commissioner (SSZ) MCD, Shahdara South Zone, was instructed to provide a comprehensive response to the Petitioner's RTI application.

5. The Petitioner contends that despite the clear direction, Respondent No. 2 – MCD - has failed to furnish the requested information. This omission has compelled the Petitioner to file a complaint under Section 9 of the Delhi RTI Act with the Chairman of the Public Grievance Commission, GNCTD. In this complaint, the Petitioner seeks the imposition of penalties on Respondent No. 2 for their failure to provide the information as previously ordered.

6. Counsel for the Petitioner submits that the Commissioner of the MCD, acting as the Disciplinary Authority under Section 59(d) of the Delhi



Municipal Corporation Act, 1957, is the competent authority to adjudicate complaints filed under Section 9 of the Delhi RTI Act. Consequently, any inquiry and subsequent disciplinary actions concerning such complaints must be conducted in accordance with the service rules of the MCD.

7. Mr. Sabharwal, standing counsel for MCD states that in terms of the directions dated 25th April, 2024, issued by the Public Grievance Commission, the requested information shall be provided to Petitioners within four weeks from today.

8. In light of the foregoing considerations, this petition is hereby disposed of with a direction to the Municipal Corporation of Delhi (MCD) to adjudicate the complaint dated 28th February, 2024, within four weeks from today. Upon conclusion, a copy of the decision rendered shall be furnished to the Petitioner.

9. The present petition is disposed of in the above terms, along with pending application(s), if any.

10. It is made clear that the Court has not examined merits of the case. Accordingly, all rights and contentions of the parties are left open.

SANJEEV NARULA, J

JULY 12, 2024
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² “Delhi RTI Act”