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

+ **W.P.(C) 17/2026, CM. APPL.33/2026**

VARUN KUMAR

.....Petitioner

Through: Mr. Dharma Datta Verma, Adv.

versus

**PUBLIC INFORMATION OFFICER DDA
AND ANR.**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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05.01.2026

1. The grievance of the petitioner pertains to the non-furnishing of documents on the basis of which minimum water charges have been fixed for vacant or unused flats, while normal charges have been levied for flats where water is being supplied.

2. The point no.1 of the application dated 07.12.2023 is extracted as under:

“1. Please provide the certified copy of document/order under which minimum charge of water for the flat which is vacant/unused has been fixed and Normal charges for the flats where water is being used by the resident has been prescribed/ fixed, for the area of DA Block, Shalimar Bagh, Delhi-110088 w.r.t. mail dated 22.5.2023 received from Sh.Pardeep Kumar Malhotra EE/MD-3 (Copy enclosed).”

3. It appears that having not received the response from the Public Information Officer, the petitioner filed first appeal dated 27.01.2024 before the first Appellate Authority i.e. the Superintendent Engineer.



4. The first Appellate Authority appears to have disposed of the first appeal with the following observations.

“Subject:-Information under RTI Act 2005 regarding revision of water bill raised without any use of water in Flat No 155, DA Block Shalimar Bagh, Delhi 110088 up to December 2017 with reference to mail of Sh Pradeep Kumar Malhotra EE/NMD-3 dt 22.5.2023 and meeting notice No. F3(2)CB/EE/NMD-3/DDA/611 dt 1/12/23 reg.

Ref. No.:-SE/NCC-1/North Zone Dy. No. 02 dt 02.01.2024.

Please refer to first appeal made by you to Chief Engineer, North Zone, DOA {FAA}. This appeal was transferred to undersigned office, the office of Superintending Engineer, Northern Civil Circle-1(CC-7), Jhandewalan by Chief Engineer (North Zone). In this context, a letter was issued to concern divisional office for providing the complete information sought by you (Copy enclosed). The reply of the same was received from concerned divisional office. (Copy enclosed).

Encl. dated 29.12.2023 is as under:

The para vise reply with reference to the information asked by the appellant are as under:-

Para No. 1 & 7, 8, 9, 10

In compliance of the issues raised by the applicant a meeting was held in office of SE(P&HQ)/North Zone on 05.12.2023 at 4:00 PM to review the complaints relating to water charges bill in which the applicant was present in person, wherein it was intimated to him that in the subjected period of time, i.e. from date of possession to till date, the water charges bill for Shalimar Bagh C&D and DA Block has been prepared as per the applicable tariff rates during that period.

The details of water bill amount are as under:-

Billing period	Bill amount (Including Service Charge)	Up to date Surcharge	Total Bill Amount
1/11/01 to 31/12/04 @128/- per month	4864/-	2157/-	7021/-
1/1/05 to 31/12/05 @128/- per month	1536/-	3444/-	9844/-
1/1/06 to 31/12/10 @128/-	8740/-	14537/-	29677/-



per monthn till 31/8/08 & @ 172/- per month from 1/09/08 to 31/12/10			
11/11 to 31/12/17 @172-per month	14448/-	47536/-	77124/-
1/1/18 to 31/03/19 @172 Per month	2580/-	51547/-	83715/-

Copy of the latest bill is hereby enclosed as Annexure 'A'

In case of vacant flats, flats having no connection or unmetered and house locked or unoccupied, the fixed charges are to be recovered from the consumers on the basis of average consumption basis (i/c Boosting Charges) which are as under :-

- For HIG Flats @ 30 Kl per month*
- For MIG Flats @ 25 Kl per month*
- LIG and Janta Flats @ 20 Kl per month*

The same has already been conveyed to the applicant through the minutes of the meeting

Vide F.15(1)meetingnotice/SE/NCC-I/2023-24/DDA/1495 Dated :- 14/12/23 with all the supporting documents through mail as well as speed post. Copy of the minutes along with the policy documents is hereby enclosed as Annexure 'B'.

Para No. :- 2,3,4,5,6

The information is not available with this office as the water cell was incorporated in 'x' January 2022, the matter pertains to NMD-I division."

5. The aforesaid order came to be challenged in second appeal which has been dismissed by the impugned order dated 02.09.2025.

6. The second Appellate Authority has held that all relevant information were furnished to the petitioner and the Right to Information Act, 2005 does not require creation, compilation or reconsideration of the non-existent



record. The findings of the second Appellate Authority which contained in paragraph no.30 to 31 is extracted as under:

“30. The Commission after adverting to the facts and circumstances of the case and perusal of the records, observes that a suitable and pointwise reply qua the instant RTI Application has been given by the Respondent within stipulated timeframe as per the provisions of the RTI Act. the Appellant is reminded of the fact that under the provisions of the RTI Act only such information as is available and in the form held by the public authority or is under control of the public authority can be provided. The CPIO is not supposed to create information that is not a part of the record. Therefore, no intervention of the Commission is required in the instant case for further adjudication.

31. Be that as it may, the Commission further observes from the perusal of records that 3 Second Appeal cases of the Appellant against the same Public Authorities involving similar issues had already been heard and disposed of by this Bench of the Commission. It is also worth noting that a total number of 6 Second Appeal cases are listed for today's hearing. It was also opined that by way of filling these many RTI Applications seeking all and sundry information, the Appellant is causing harassment to the public authority as well as wasting the time and resources of the Commission. This intention of the Appellant militates against the spirit of the RTI Act whose primary objective is providing information to the citizens. It appears that the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. The approach of the Appellant is against the spirit of the RTI Act and clogging the valuable time and resources of the Public Authorities. The Respondent has pleaded for remedy against repeated and humongous number of RTI applications and Appeals by the same person. In this regard, the Commission invites attention of the parties towards a judgement of the Hon'ble High Court of Kolkata in a case titled Biplab Kumar Chowdhury v. The State of West Bengal & Ors.·WPA 3116 of 2022, wherein it was held as under and leave it to the respondent to choose a remedy.

"... It appears from the documents annexed to the writ petition that the petitioner's ploy is to collect information under the Right to Information Act and thereafter use the said information to harass the private parties as well as the Municipality for unlawful gain. The conduct of the petitioner appears to be plainly harrassive and mala fide. The averments and allegations made in the writ petition remains unsubstantiated. The writ petition is an abuse of the process of law and liable to be dismissed with costs. The writ petition is accordingly dismissed with costs of Rs. 25,000/-(twenty-five thousand) only to be paid by the petitioner in the office of the



West Bengal State Legal Services Authority within September 30, 2022.”

32. In view of the above-said observations, the Commission advises the Appellant to make judicious and sensible use of his Right to Information in future instead of making it a tool to create undue pressure on the Public Authority. He is further advised to ventilate his grievance on appropriate forum and that RTI mechanism is not meant for the same.”

7. Upon a careful perusal of the findings rendered by the first Appellate Authority as well as by the second Appellate Authority, what transpires is that the meeting was conducted, where, it was found that the fixed charges are to be recovered from the consumers on the basis of average consumption basis as under:

- (i) For HIG Flats @ 30 KI per month
- (ii) For MIG Flats @25 KI per month
- (iii) LIG and Janta Flats @20KI per month

8. It is, thus, seen that there is no material placed on record by the respondent Delhi Development Authority (DDA) which would satisfy the request no. 1 of the petitioner's application which essentially relates to the document/ order prescribing minimum and normal charges of water.

9. There is no reason as to why such a document should not be maintained or kept by the respondent DDA. If any decision is taken which entitles the said authority for levying of particular charge, the same has to be based on some document/order. Even, it is not the specific case of the department that there exist no basis of levying minimum and normal water charges.

10. Under these circumstances, it appears that both the authorities have been misdirected in dealing with the petitioner's request.

11. Accordingly, the matter is remitted back to the Public Information



Officer, DDA, who shall consider the petitioner's request no.1 made in the application dated 07.12.2023, afresh, and pass appropriate order within a period prescribed under the Right to Information Act, 2005.

12. With the aforesaid, the petitioner stands disposed of along with pending application

PURUSHAINDR KUMAR KAURAV, J

JANUARY 5, 2026

aks/mj