

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Hon'ble Shri D.N.Padhi, SCIC

Date: 2nd September, 2009

Complaint Case No.1129/2007

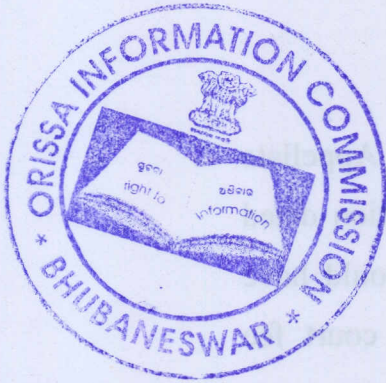
Ajay Kumar Nayak,
Advocate,
Plot No.172,Lane-6,
Road-1,
Jagannath Vihar,
Bhubaneswar -751003.....Complainant

-Vrs-

Public Information Officer,
Bhubaneswar Development Authority,
Bhubaneswar.....Opposite Party

Decision

1. Complainant Ajay Kumar Nayak and Md. Q. I. Ali, PIO-cum-Junior Town Planner (Planning Wing), Bhubaneswar Development Authority, Bhubaneswar (BDA for short) are present. Heard them and perused the case record. This matter arises out of complaint petition dated 28/07/07 under Section 18 of the RTI Act, 2005 received on 30/07/07.
2. It reveals from the record that Complainant had filed form A application dated 05/06/07 with the PIO, BDA seeking information in terms of approval/disapproval of building plan over plot no. 295/2927 in mouza Patrapara, Bhubaneswar Tahasil, Khurda district. This related to third party Manas Ranjan Das.



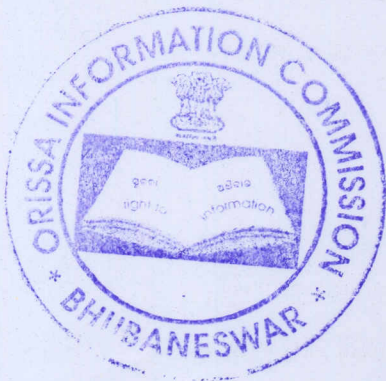
3. On receipt of the said RTI application, PIO, BDA provided complete information to the Complainant on 26/07/07. Being aggrieved with the information received the Complainant filed an appeal before the First Appellate Authority. The said appeal was heard on 19/09/07 and the Planning Member, BDA was directed to supply the information/documents sought by the Complainant. Direction of the First Appellate Authority was complied with on 08/11/07.
4. Being dissatisfied with the decision of the First Appellate Authority, the Complainant had filed a complaint petition dated 28/07/07 before the State Commission. Legally he should have preferred a Second Appeal in form E with Rs.25/- court fee stamps.
5. During hearing today, the Complainant and the PIO both submitted their respective written memorandum. Complainant alleged that BDA was discriminating while approving plans. This was controverted by the PIO, BDA who stated that strict and transparent rules/procedures are followed while approving building plans and, therefore, the allegation of the Complainant is malicious. The State Commission observed that the issue raised by the Complainant was beyond their jurisdiction and therefore, he should approach the appropriate forum with information provided to him.
6. Perusing the written memorandums filed by two parties, the State Commission were of the view that as the prayer of the Complainant to direct the PIO to approve the building plan over plot no.295/2997 was not envisaged under the RTI Act, 2005, the


same could not be admitted. Hence, the case is disposed of and closed with no orders of penalty. In future Second Appeal in proper format/ fees should be made.

7. Relevant to mention is that the Complainant had moved the Commissioner-cum-Secretary, Housing and Urban Development Department, Government of Orissa, Secretariat, who in a comprehensive order, has dealt with the matter. The Complainant and the BDA would therefore, do well to follow the directions therein as per law.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 2nd day of September, 2009.




SCIC
2.9.09

112