

## Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066  
website-cic.gov.in

### Appeal No. CIC/YA/A/2016/000910/MP

Appellant : Shri Ajay Kumar Bahl, Faridabad  
Public Authority : National Highways Authority of India, Faridabad/  
New Delhi

Date of Hearing : June 12, 2017  
Date of Decision : June 19, 2017

#### Present:

Appellant : Present – at CIC  
Respondent : Shri Dinesh Yadav, GM (T), NHAI New Delhi, Shri  
Suresh Kumar, Manager (Tech), CMU Mathura,  
Faridabad, Adv. Payal Kakra – at CIC

RTI application : 19.10.2015  
CPIO's reply : 13.11.2015  
First appeal : 14.12.2015  
FAA's order : NA  
Second appeal : 23.02.2016

### ORDER

1. Shri Ajay Kumar Bahl, the appellant, sought information regarding Delhi Faridabad Toll Road/toll collection plaza at Badarpur, New Delhi. The appellant sought details of durations with specific dates and reasons for which repair/rectification of defects on the toll plaza had taken more time than that specified in the Schedule-K to the Concession Agreement dated 04.09.2008; etc., through six sub-points. Further, the appellant also sought daily progress made on as well as names and designations of the officers who dealt with his complaint dated 08.10.2015 and 13.10.2015, by email and online to National Highways Authority of India; etc., through further six points.

2. The Central Public Information Officer (CPIO) transferred the appellant's application to the PIO, Project Director, CMU Mathura, u/s 6(3) of the RTI Act, 2005, since the matter was within their jurisdiction, for providing the information to the appellant, directly. The appellant, not having received any response from the PIO, CMU Mathura, within the stipulated time period, approached the First Appellate Authority (FAA), NHAI, New Delhi and requested him to provide the desired information/documents as the information pertained to their office. The FAA does not seem to have adjudicated in the matter. Aggrieved, the appellant came in appeal before the Commission stating that the CPIO, NHAI, New Delhi had deliberately denied information to the appellant as no information was provided to him till the date of filing of

second appeal and that there was a gross violation of the appellant's right to information and requested the Commission to provide the information/documents as sought by him. In addition to the above, the appellant also requested the Commission to impose penalty upon the CPIO and to initiate necessary action against the CPIO as well as to award compensation to the appellant.

3. The matter was heard by the Commission. The appellant submitted that he had sought information regarding Delhi Faridabad Toll Road/toll collection plaza at Badarpur and sought to point out the operational deficiencies in the said toll plaza. The appellant submitted that there was no reply/information from the CPIO on his RTI application dated 19.10.2015. However, the CPIO had finally sent a reply dated 27.03.2017, to his RTI application which contained only personal views of the officer and no substantial/factual information, in fact, was provided to the appellant. The appellant was particularly dissatisfied with the CPIO's response to point 4(ii) of his application as no information had been given to him so far on his online complaint filed with NHAI on 13.10.2015. The appellant was, however, satisfied with the information provided to him under point 4(iii) of his RTI application.

4. The respondents submitted that the available information, as per the records, had been already provided to the appellant by the CPIO. Further, the appellant's complaint filed online with NHAI on 13.10.2015 was forwarded to the Corridor Management Unit, Mathura but, it was not received in the Mathura office as there was a problem in the central server of NHAI and a response was sent to the appellant on his complaint on 04.02.2016. Further, on point 4(iv), the appellant was informed that no penalty had been imposed on the toll operator/Concessionaire but, the appellant had been given the Concessionaire Agreement under which clause 17.8, at page 257, stipulated the penalty to be imposed on the Concessionaire as and when the provisions of the said agreement were not met. Additionally, the appellant was also informed under point 4(v) that no major incident of a vehicle crashing into toll booths had been reported by the Concessionaire to the respondent authority in its monthly report.

5. On hearing both the parties and perusing the available records, the Commission finds that incomplete response has been given to the appellant by the PIO which has not been substantiated and in view of steady rise in highway accidents, the CPIO is bound to make maximum disclosure in operations and maintenance of toll plazas, as is possible, to the appellant under the RTI Act, 2005, for facilitating transparency and accountability which is the very purpose of the Act. The PIO, CMU Mathura, is therefore, directed to give the details of duration when the toll road was closed for repair works and the time taken for repair works under point 4(i)(a), to the appellant and to check if the appellant's complaint dated 13.10.2015 is there on the NHAI server and give an appropriate response to the appellant. Further, the appellant is advised to seek report of a specific month/year of vehicle crashing incidents at the toll booth from the respondent authority under point 4(v) of his application by filing a fresh RTI application. The PIO is further directed to obtain approved layout plan of the elevated road from third party and certified copy of inspection report of the rain water harvesting plant installed alongside the toll road for the months of January and February, 2017, to the appellant, under points 4(vi) & 4(vii) of the RTI application. The PIO shall provide the

above stated information to the appellant within 20 days of the receipt of the order of the Commission. The Commission, however, cautions the CPIO for the future to send an appropriate response to the applicant within the stipulated time period so that the information seeker may not lose faith in the public authorities. Available information, on rest of the points, has been provided to the appellant by the CPIO. The appeal is disposed of. The appeal is disposed of.

**(Manjula Prasher)**  
**Information Commissioner**

**Authenticated true copy:**

Dy Registrar

Copy to:

The Central Public Information Officer  
National Highways Authority of India,  
The Project Director,  
CMU Mathura, House No. 6P,  
Sector –16A Faridabad,  
Haryana – 121 002

National Highways Authority of India,  
GM (T) – Delhi Division,  
G-5 & 6, Sector – 10, Dwarka,  
New Delhi – 110 075

Shri Ajay Kumar Bahl,  
R/o House No. 1669, Sector – 9,  
Faridabad, Haryana – 121 006