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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 122/2012 & CM APPL. 41127/2018**
M.C.D. Petitioner

Through: None.
versus

CHIEF INFORMATION COMMISSION AND
ORS. Respondents

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **20.03.2023**

1. This hearing has been done through hybrid mode.
2. None appears for either of the parties.
3. It is noticed in the present petition that vide order dated 9th January, 2012, the Court had directed the MCD to file the status report in relation to 10 items on pages 2 & 3 of the impugned order of the Central Information Commission ('CIC') dated 18th November 2011. Interim directions were given vide the said order, which are set out herein below:

".... Subject to the petitioner filing a status report in relation to each of the ten items mentioned at pages 2 and 3 of the impugned order in relation to which directions have been issued, in the form of an affidavit of the Additional Commissioner, MCD before the next date, the time limit fixed in the impugned order shall remain stayed."

4. Thereafter, vide order dated 23rd August, 2013, the Court had also directed that the directions of the CIC in the impugned order dated 18th November, 2011 shall be placed before the Standing Committee of South Delhi Municipal Corporation, North Delhi Municipal Corporation



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(‘NDMC’) and East Delhi Municipal Corporation (‘EDMC’). The said order reads as under:

“Heard. The petitioner is directed to place the order dated 18.11.2011 passed by the Central Information Commission, before the respective Standing Committee of South Delhi Municipal Corporation, North Delhi Municipal Corporation and East Delhi Municipal Corporation for consideration and taking a view as to what extent the said Standing Committees is agreeable to implement the directions given by the Central Information Committee with respect to uploading certain information on the website of the MCD. The decision of the Standing Committees shall be filed by way of an affidavits of responsible officers of South Delhi Municipal Corporation, North Delhi Municipal Corporation and East Delhi Municipal Corporation within eight weeks from today.

Renotify on 31st October, 2013.

Interim order shall continue till the next date of hearing, subject to the petitioner complying with the directions issued today.

Dasti. ”

5. It is seen from the above order that the directions of the said order were to be complied by the Petitioner- MCD. Thereafter, vide order dated 31st October 2013, costs have also been imposed upon the MCD, for not complying with the last order dated 23rd August 2013.

6. A perusal of the pleadings shows that there is only one affidavit dated 25th November 2014 on record in respect of the EDMC, which claims that the Standing Committee, EDMC had constituted a sub-committee of three Municipal Councilors to look into the matter on 27th February 2014, and the matter was under the consideration of the sub-committee of three Municipal



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Councilors.

7. Further, an affidavit filed by NDMC on 26th November 2014 states as follows:

*“2. That in order to comply with the directions of this Hon’ble Court, the Commissioner North DMC, approved the draft preamble placed before him on 14.11.2014 for placing the same before the Standing Committee for its consideration and view on the CIC order. The copy of the approval note and the preamble are annexed herewith as **Annexure A**.*

*3. That the preamble duly signed by the Additional Commissioner (Engg.) has now been sent to Municipal Secretary North DMC vide letter dated 21.11.2014 to place the same before the Standing Committee for its final view. The copy of the preamble is annexed herewith as **Annexure B**.*

4. That the preamble having been drafted approved and sent for placing the same before the Standing Committee, the same is likely to be considered by it in its next meeting. The respondent undertakes to communicate the decision to this Hon’ble court, as soon as the same is conveyed to the respondent.”

8. No compliance has been effected of the earlier two orders dated, 9th January 2012 and 23rd August 2013 extracted above.

9. Further, the RTI applicant has also moved an application **CM No. 41127 of 2018** for directions and imposing of exemplary costs on the MCD for non-compliance of various orders of this Court and the CIC as well.

10. Issue court notice of default to the Standing Counsel for the MCD in this matter. A latest updated status report shall be filed showing compliances of the two orders dated 9th January 2012 and 23rd August 2013, failing which the writ petition would be liable to be dismissed.



11. List before the Registrar on 10th May, 2023.
12. List before the Court on 18th September, 2023.

PRATHIBA M. SINGH, J.

MARCH 20, 2023

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