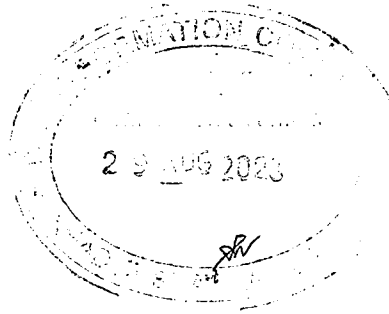


3168/10
29/08/2023



To
The Chief Information Commissioner
West Bengal Information Commission
11A, Mirza Galib Street,
Khadya Bhawan Complex,
Kolkata - 700087

Sub:- Complaint under Section 18(1) of the Right to Information Act, 2005

Dear Sir,

The undersigned applicant is a citizen of India and submits a complaint under section 18(1) of the Right to Information Act, 2005 on the following grounds.

1) NAME AND ADDRESS OF THE APPLICANT :

SAJED EKBAL,

13F, Rajab Ali Lane, P.O-Khidderpore, P.S- Ekbalpore, Kolkata -700023
MO: 9804334304

2) DETAILS OF STATE PUBLIC INFORMATION OFFICER:

Mr. Sourindra Mohan Ghosh
Executive Engineer(C) & S.P.I.O
Building Department, Brough IX,
Kolkata Municipal Corporation,
11, Belvedere Road, Kolkata - 700027

DATE OF SUBMISSION OF APPLICATION FOR SEEKING INFORMATION FROM S.P.I.O: =
29/05/2023 (Copy Attached).

Reply of the State Public Information Officer letter dated: 06/06/2023.

3) DETAILS OF FIRST APPELLATE AUTHORITY:

Mr. Uday Ranjan Saha
Dy. Chief Engineer(North)
Building Department
Kolkata Municipal Corporation
5, S.N. Banerjee Road
Kolkata - 700013

DATE OF SUBMISSION OF APPLICATION FOR SEEKING INFORMATION FROM FIRST
APPELLATE AUTHORITY: 27/06/2023 (Copy Attached)

Reply of the First Appellate Authority:

No Reply Laps of 45 days

4) GROUND FOR COMPLAIN:

Q (b) The S.P.I.O. ORDER letter reference number dated 13/03/2023(Copy Enclosed), he ordered me after seeing the documents, I have asked for Xerox certified copy of those documents from S.P.I.O.& F.A.A. But no Xerox certified copy has been given to me.

I have also written that I will give whatever will be pay.

Thus, my rights as a citizen of the Republic of India have been ignored; the Right to Information Act law has been flouted.

Therefore, in this context, you are requested to please order the S.P.I.O & F.A.A. to provide proper information immediately while hearing the matter under Section 18(1) of the Right to Information Act. Also for the violation of the Right to Information Act, please order the S.P.I.O,& F.A.A. to pay the fine as per the provisions of the Act.

I hope that taking my complaint letter seriously, immediate action will be taken in this direction so that I can get the information. With the expectation of justice from you,

5) PRAYERS

(a) ENQUIRY:

Sir, exercising power's of civil court vested in you U/s 18(1), please enquire into this complain.

(b) PENALTY:

Sir, Please impose penalty as per Section 20(1) as the S.P.I.O" & F.A.A". Without any reasonable cause, refused to receive an application for information or has not furnished proper information within the time specified

U/s of RTI Act, 2005".

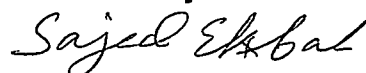
(c) DISCIPLINARY ACTION:

Sir, please recommend disciplinary action against S.P.I.O.& F.A.A. as per section 20(2), who has "without reasonable cause and "persistently" denied my request for information.

(d) The S.P.I.O & F.A.A.be penalized and strict disciplinary action be taken against him under service conduct rules and discipline and appeal rules 1968 and 1969

Date: 29.8.23

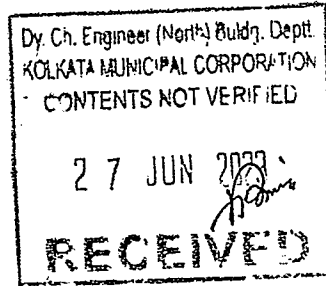
Sincerely



SAJED EKBAL

sc
Date: 27.06.2023

To
The First Appellate Authority
Mr. Uday Ranjan Saha
Dy. Chief Engineer (North)
Building Department
Kolkata Municipal Corporation
5, S.N. Banerjee Road
Kolkata - 700013



Sub: First Appeal under section 19(1) of the Right to Information Act, 2005.

Sir,

I am a citizen of India, it's my fundamental rights under the provision of R.T.I. Act, 2005, so I present the First Appeal on the following grounds before you for your kind perusal and necessary action.

Particulars of the State Public Information Officer name & address :

Mr. Sourindra Mohan Ghosh
Executive Engineer © & SPIO
Building Department, ~~Borough~~ - IX
Kolkata Municipal Corporation
11, Belvedere Road, Kolkata - 700027

Details of the information sought under 6(1) :

Sir, Application U/s 6(1) of the Right to Information Act, 2005 which was submitted by me in the above SPIO office on 29.05.2023 (Copy Attached).

Reply of the State Public Information Officer:

06.06.2023 (Copy Attached).

Ground for Appeal:

A) The S.P.I.O., is habitually guilty and using his post misusing, giving not proper answers, false and misleading information, intentionally delayed and also violence of the R.T.I. Act. I sought answers from the Kolkata Municipal Corporation records through R.T.I. Act, not from the police department.

B) S.P.I.O. ORDER letter reference number dated 13.03.2023 (Copy¹ Enclosed), You ordered me after seeing the documents, I have asked for Xerox certified copy of those documents from SPIO, and not from any other officer/department. Certified copy of those documents from S.P.I.O and not from any other officers/departments.

Contd.....P/2

//2//

The S.P.I.O. not giving proper information on fictitious and unlawful ground. It seems clear from these things that the S.P.I.O. is flouting the R.T.I. Act which is a serious ~~matter~~ ^{alter} and neglect of government duties. Any other relief as the Appellate Authority may feel necessary in making the S.P.I.O. to comply with the direction of law and inform the concerned S.P.I.O. that the appellant will move a Second Appeal before the State Chief Information Commissioner (S.C.I.C) under section 18(1) and will demand imposition of under section 20(2) service book record and penalty under section 20(1) of the R.T.I. Act, at the rate of Rs.250.00 for every day of delay (Subject to maximum of Rs.25000) from the date the information was due till the date the information is actually given to me. Under the circumstances kindly supply me the desired proper information available within the time limit under the provision of R.T.I. Act, 2005.

With Regards

Yours faithfully

Sajed Ekbal

SAJED EKBAL

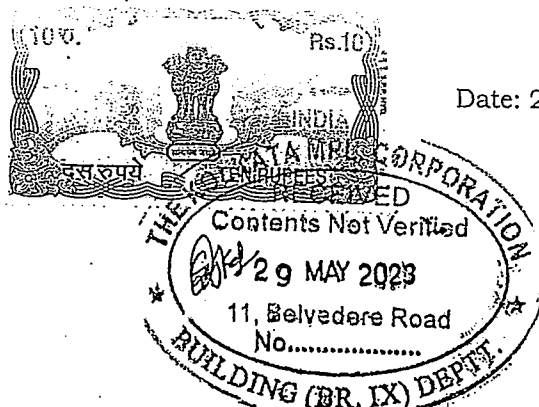
13F, Rajab Ali Lane, P.S- Ekbalpore

P.O-Khidderpore, Kolkata-700023

Mobile No – 9804334304

- 1) Xerox copy of R.T.I. letter dated 29.05.2023.
- 2) Xerox copy of S.P.I.O. reply letter dated 06.06.2023.
- 3) Xerox copy of ORDER communicated Ref. No. letter dated .13.03.2023.

To
The S.P.I.O.
Executive Engineer (C)
Building Department
Borough-IX,
Kolkata Municipal Corporation
11, Belvedere Road,
Kolkata- 700027



Date: 29.05.2023

Re: Request to furnish information under Section 6(1) of the Right to Information Act, 2005 on the following questions/points.

Sub: "Khidderpore School of Physical Culture" Premises No. 21/1, Ekbalpore Lane, (Nawab Ali Park), Kolkata- 700023, Ward No. 78, Borough- IX

Dear Sir,

Kindly let me know you are requested to furnish following information/ documents under the provision of Right to Information Act, 2005.

(a) As you had stated in your RTI reply dated 16.05.2023 (Xerox copy attached). "As per Dy. Commissioner of Police (Port Division) letter dated 08.01.2004 the work for construction of Boxing Ring and Fencing Work was undertaken by K.M.D.A."

Kindly furnish the Certified xerox copy of this letter.

(b) Please note that as per Ref. No. Bldg./Br.-IX/KMC/226/22-23 dated 22.11.2022, we the petitioners of writ being No. WPA No. 11720 of 2022, appeared before your honour office at 2 P.M. Please further note that in course of hearing the private respondents show and furnished some xerox documents before your honour. After seeing and checking which you have communicated your ORDER to me Ref.- No. dated 13.03.2023 (xerox copy attached).

Kindly furnish the certified xerox copy of those legal documents to me.

I am ready to pay further if required to supply copy of -
Thanking you, *the said information.*

Yours faithfully,

Sayed Ekbal

(SAJED EKBAL)

of 13F, Rajab Ali Lane,
P.S.- Ekbalpore, P.O.- Kidderpore,
Kolkata- 700023 (M) 9804334304

- Enclo: (1) Xerox copy of letter dated 16.05.2023
(2) Xerox copy of letter dated 22.11.2022.
(3) Xerox copy of order communicated letter
Ref. No. dated 13.03.2023.



THE KOLKATA MUNICIPAL CORPORATION
BUILDING DEPARTMENT, BOROUGH-IX
11, BELVEDERE ROAD
KOLKATA-700027

Memo No. Bldg/Br-IX/KMC/63/23-24, dt:-16/05/23 Date:-16-05-2023

From:
Executive Engineer(C) & S.P.I.O
Building Department
Br-IX
Kolkata Municipal Corporation
11, Belvedere Road
Kolkata-700027

To.
Mr. Sajed Ekbal,
13F, Rajab Ali Lane,
Kolkata-700023

Sub: Application under R.T.I Act, 2005
Re: Premises No. 21/1, Ekbalpore Lane: Ward 078, Borough IX

Sir,

In response to your RTI application dated 24/02/2023 a hearing was arranged at the chamber of the undersigned. The point-wise reply is furnished hereunder.

For A:-

"Khidderpore School of Physical Culture" is within a park which is maintained by the Park & Square Department of KMC Hence, it cannot be ascertain by this department whether the occupancy of the premises is legal or illegal.

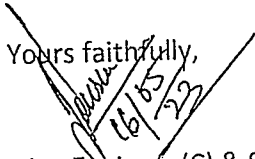
As per Dy. Commissioner of Police (Port Division) dated 08/01/2004 the work for construction of a Boxing Ring & Fencing work was undertaken by K.M.D.A.

For B:-

As the work was done by K.M.D.A. so for obtaining further information you may contact with the K.M.D.A

Thanking you,

Yours faithfully,


Executive Engineer(C) & S.P.I.O
Building Department
Br-IX
Ex. Engineer (C)
Bldg: Deptt: / Br IX
K.M.C.

Ref:-21/1, Ekbalpore Lane (Kiddrpre School of Physical Cultural at

Nawab ali Park) in ward no. 78, Br-IX

Ref No: Bldg/Br-IX/KMC/226/22-23. Dt:- 22/11/22.

- ✓ 1. Sajed Ekbal
S/O-Late Abdul Rahim
13F, Rajab Ali Lane
P.O-Kidderpore
P.S-Ekbalpore
Kol-700023
2. Md. Shakil
S/O-Late Md. Khalil
10/H/1, M.M.Ali Road
Kol-700023
3. Manauwar Hussain
S/O-Anwar Hussain
21/3B, Mominpore Road
Kol-700023
4. Sk. Meherajuddin Ahmed @ Chcena
S/O-Late Sk. Amiruddin
22/B, Ekbalpore Lane
P.S-Ekbalpore
Kol-700023
5. The Secretary, Kidderpore School of Physical Culture at
21/1, Ekbalpore Lane
P.S-Ekbalpore
Kol-700023
6. Executive Engineer (Park & Square)
5, S.N.Banerjee Road
Kolkata-700013
7. Chief Executive Officer
KMDA, 3rd floor
DJ- Block, Sector-II
Salt Lake
Kol-700091

Sir,

This is to inform that the above mentioned matter was taken up on 06.09.2022 before her ladyship The Hon'ble Justice Amrita Sinha. After hearing the parties The Hon'ble Court has been pleased to dispose of the writ application thereby directing the Executive Engineer(Bldg.), Br-IX to consider the representation filed by petitioner after giving and opportunity of hearing to the representative of the petitioner, the private respondent and all other necessary parties including KMDA. Accordingly a hearing was held on 17/11/2022. Due to absence of respondents, KMDA Authority it was take decision to fix up another date of hearing to give another opportunity to the respondent.

Accordingly you are hereby requested to appear before Executive Engineer (Building), Borough-IX at 11, Belvedere Road, Kol-27 on 08.12.2022 at 2.00 p.m. along with all the papers and documentary evidence as a proof that the said construction has been constructed in accordance with the law. Failing which Kolkata Municipal Corporation will proceed for demolition of the said unauthorized construction/structure and the expenses for such demolition shall be recoverable under sub-section (7) of section 400 of the Kolkata Municipal Corporation Act, 1980.

E.E(C) Bldg./Br-IX
Ex. Engineer (C)
Bldg.: Deptt: / Br.- IX
K. M. C.

Ref No:- Bldg./Br-IX/KMC/348/22-23, dt:- 13/03/23.



THE KOLKATA MUNICIPAL CORPORATION
BUILDING DEPARTMENT, BOROUGH-IX
11, BELVEDERE ROAD
KOLKATA-700027

ORDER

Re:-21/1, Ekbalpore Lane (Kidderpore School of Physical Culture at Nawab Ali Park), Ward-78, Br-IX

In pursuance to the judgement of Hon'ble High Court at Calcutta vide W.P.A No. 11720 of 2022 (Sajed Ekbal & Ors. Vs. The State of West Bengal & Ors. The Hon'ble Justice Amrita Sinha disposed off the petition directing Executive Engineer(C)/Bldg./Br-IX, KMC to pass reasoned order after giving opportunities of hearing to all the concern parties. Accordingly the hearing were held on 17/11/222 & 08/12/2022 respectively in presence of all the parties and the necessary documents (photocopy) was submitted at the time of hearing by Kidderpore School of Physical Culture. After considering all the documents and view of the all the parties it is found that the land was leased out by KMC and construction was undertaken by KMDA funded by Hon'ble member of parliament for the purpose of public activities. It is also learned that it is a renowned institute from where many renowned boxer came up.

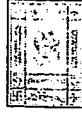
So, I am of the view that the structure situated at leasehold plot within Braunfeld square under ward no 78 cannot be traced as unauthorised or illegal construction.

This order may be communicated to all concern for their kind information please.

[Handwritten signature]
08/12/22

E.E(C)/Bldg./Br-IX

Executive Engineer (C)
Bldg. Br.-IX
K.M.C.



Received
10.06.23

**The Kolkata Municipal Corporation
Building Department, Borough - IX
11, Belvedere Road, Kolkata -27**

Memo No. /Ref. No. Bldg/BRE-IX/KMC/77/23-24 dt:-06/06/23 . Date: 06-06-2023

From :

Executive Engineer(C) & SPIO
Building Department, Borough - IX
The Kolkata Municipal Corporation
11, Belvedere Road
Kolkata -700 027

To:

Sajed Ekbal
13F, Rajab Ali lane
P.S-Ekbalpore
P.O-Kidderpore
Kolkata-700023
Mobile- 9804334304

**Ref: Application under R.T.I Act, 2005
Re: Premises No. 21/1, Ekbalpore Lane, Ward no. 78, Br-IX**

Sir/Madam,

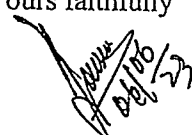
In reply to your RTI application received by this office dated 29.02.2023, the answer of
5your query is given as follows:-

- A) Copy enclosed.
- B) Please contact with A.O(B), 5, S.N.Banerjee Road, Kol-13.

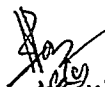
This is for your kind information please.

Thanking you.

Yours faithfully


Executive Engineer(C) & SPIO
Building Department, Br-IX, KMC

**Executive Engineer (C)
Bldg. Br.-IX
K.M.C.**


06.06.23

Power Plant

MINUTES OF THE MEETING HELD IN THE CHAMBER OF THE DEPUTY COMMISSIONER OF POLICE, PORT DIVISION, KOLKATA ON 8.1.2004 (AFTERNOON) IN CONNECTION WITH THE CONSTRUCTION OF A BOXING RING AT NAWAB ALI PARK, EKBALPORE

The meeting was presided by the Dy. Commissioner of Police, Port Division, Kolkata.

It was attended by the Chief Engineer, Superintending Engineer (Programme), Executive Engineer and Assistant Engineer from MDP, KMDA, O.C. Ekbalpore P.S. and 2 representatives each from K.S.O.P.C. and Y.M.A.C.

On 17.12.2003 the undersigned held a meeting with the representatives of the above mentioned clubs and OC Ekbalpore PS and also made an on-site inspection. Since a few issue remained unclear in the opinion of the CMDA authority and a clarification was required the instant meeting had to be convened.

After a prolonged discussion the following resolution was unanimously adopted.

- (1) The work of construction of the Boxing Ring and fencing at the club will continue simultaneously.
- (2) 1 bathroom will be constructed on the north-western side of the club with its gate falling on the fencing.
- (3) No member of the clubs would interfere with the construction work undertaken by KMDA.
- (4) Responsibility of maintaining the properties provided by the Government shall lie on the clubs concerned.
- (5) O.C. Ekbalpore P.S. will ensure that the work undertaken by KMDA goes on smoothly and without any interruption. He will take firm action against those trying to disrupt work or damage Govt. property.
- (6) No further meeting in this connection would be called.

The Meeting ended with a vote of thanks to the Chair.

①
CEO/KMDA
Concln CE may
be implemented
Complete by 15th Feb '04
work

(O.P. Gupta)
 Dy Commissioner of Police
 Port Division, Kolkata

MHC/UD/36-D/2004
13/1/2004

(Certified to be true Copy)

06.06.23
 Asst. Engineer (C)
 Bldg. Br.-IX

11 min's
signature
in copy of etc.
Ans/11/04

Email**State Chief Information Commissioner West Bengal**

Hearing on 08-05-2025

From : State Chief Information Commissioner West Bengal
<scic-wb@nic.in>

Thu, Apr 17, 2025 11:04 AM

 1 attachment

Subject : Hearing on 08-05-2025

To : building kmc <building.kmc@gmail.com>, secykmc
<secykmc@gmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

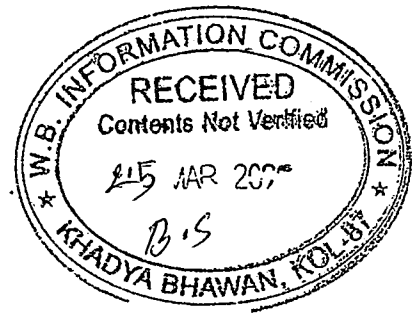


WBIC-RTI-C-104972-950-2025 HN.pdf

16 KB

D.NO-1959 (Submission)
02/05/25

Link D.NO-



Before the Learned Information Commissioner, Khadya Bhavan

Complaint no.104972 of 2025

Sajed Ekbal

Versus

The SPIO & Anr Building Department

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANT

That an unauthorized construction was stated at premises no.21/1, Ekbalpore Lane (Wawab Ali Park) Kolkata- 700023, Ward No.78, Borough-Ix, by the Khidderpore School of Physical Culture represented by its Secretary Namely Sk Mehraj Uddin without sanction and/or permission by the Kolkata Municipal Corporation the premises belong to the government the said KSPC not obtained any lease from the government. I submit that the said Khidderpore School of Physical Culture was regd. before the Society Regd Act, 1961 in plan of premises no.2/1, Nawab Ali Lane being Regd. No.S/61570 for the year 1988-89 and still standing at Nawab Ali Park. It appear from Kolkata Municipal Corporation ^{P.T.I. Rly Reforl-} ~~For~~ that 2/1, Nawab Ali Lane not in exist.

D.D
Hearing
08/05/25

Hearing date fixed
on 8/05/25

Sajed Ekbal
1.5.25

I submit that I filed a writ petition against unauthorized construction over a Government Place being WPA No.11720/2022 where the ^OKSPC the private respondent submit before the Hon'ble Court that there was a lease agreement and obtain a sanction plan and permission, but they failed to produce the same before the Hon'ble High Court, the said writ petition was disposed of vide order dated 06.09.2020 by the Hon'ble Justice Amrita Sinha with a direction..... the Kolkata Municipal Corporation being the respondent no.6 i.e. executive engineer (building) to consider the respondent filed by the petitioner/ the appellant herein strictly in accordance with law....."

I submit no reason order was passed by the authority in violation of the plan sanction or devoid the sanction, the Government authority then necessary steps shall be taken to deal with such unauthorized construction in accordance with law.

The said society further stated a new construction over the Government place with the conspiracy of Assistant Engineer of

Sajeel Ekbal

Kolkata Municipal Corporation with presence of supervision of Assistant Engineer.

- That complainant filed an RTI application dated 29.05.2023 before the S.P.I.O. Executive Engineer(e) Building department for seeking two information any

- a) who constructed the said KSOPC
- b) whether any sanction has been given or not?
- c) where the any lease has been by the Government or not?

RTI reply

The said vide reply dated 16.05.2022

The Deputy Commissioner of Police (port division) dated 08.01.2004 the work for construction of a booking reg. and fencing work was undertaken by Kolkata Municipal Corporation. Copy of Deputy Commissioner of Police Port Division, Kolkata dated 08.01.2004 enclosed herewith RTI dated 31.07.2023

Q. Whether the said Deputy Commissioner of Police Report is genuine or fake/false

RTI reply dated 18.09.2023

Sayed Ekbal

The document of Deputy Commissioner dated 08.01.2004 is unavailable in custody of Assistant Commissioner of Police and Port Division.

I submit as per direction of the Hon'ble High Court issued memo by the Assistant Engineer dated 22.11.2022. no Bidg/Br/KMC 226/22-23 asked the complaint/ appellant hereto and asked to appear 2 p.m. for hearing the private respondent i.e. Khidderpore School of physical culture "furnish in the course of hearing Xerox copies of documents in support of therein unauthorized construction. I asked the same vide RTI application dated 29.05.2023 but the hearing officer i.e. Assistant Engineer failed and neglected to furnish the same to me by passing fake order dated 08.12.2022.

That being aggrieved and dissatisfied of the reply in connection of my RTI dated 29.05.2023 reply 06.06.2023 and RTI letter dated 13.03.2023 reply letter dated 16.05.2023.

My respectful submission before your honour disciplinary action be taken against the SPIO and F.A.A.

Sayed Ekbal
01.05.25