

\$ KIC 3658 PTN 2009

**KARNATAKA INFORMATION COMMISSION**

(Sri C. N. Kumar vs. PIO & Under Secretary to Government, Urban Development Department, Bangalore)

**ORDER**

**20-03-2010**

1. Petitioner is present. Respondent Sri S. Renukaradya, PIO & Under Secretary and Co-ordinator, Urban Development Department (BBMP), Bangalore, is present along with Sri N. P. Raju Section Officer. Sri C. S. Shivakumar Swamy, Senior Assistant, Housing Department, represents the Under Secretary. Sri R. Anjini, PIO and Assistant Draftsman and Ex-Officio Under Secretary, Department of Parliamentary Affairs and Legislation, is also present in pursuant to the Commission's direction.

2. Sri R. Anjini states that Sri K. Neelkantachar, Assistant Draftsman and Ex-Officio Deputy Secretary to Government, Department of Parliamentary Affairs and Legislation, in fact has already clarified to the Commission that the Ownership Flats [Regulation of the Promotion of the Construction, Sale, Managements & Transfer) Act, 1972 is under the administrative control of the Urban Development Department.

3. Commission noted that Sri N. Neelkantachar has filed his replies dated 14.12.2009 stating that due to some overlapping of the activities there was some confusion with regard to allocation of the subjects in the business transaction rules.

4. However, he stated that after examining the provision of the Ownership Flats Act, 1972, now it is noted that the said Act is under the administrative control of Urban Development Department.

5. Commission also noted that Sri S. Renukaradya, Under Secretary, has filed his replies dated 15.03.2010. In his replies, he has stated that the BBMP Commissioner was requested to furnish this the information vide letter dated 10.07.2009. However, there is no response from the Commissioner, BBMP.

6. Further, he states that Government of India in Ministry of Housing and Urban Development Affairs have written to the State Government on 19.1.2010 stating that they have brought out a Model Apartment Ownership Bill and has sought the suggestion and comments to amend the model bill so as to make it more effective in the light of housing schemes scenario in the country.

7. Therefore, he states that it is advisable to review the model bill and send a suitable feed back to the proposed Model Apartment Ownership Bill. He has also filed a copy of the letter of Joint Secretary, Ministry of Housing and Urban Development, New Delhi, dated 19.01.2010.

8. He also suggests that now it is clearly indicated that the matter is under the administrative control of the Urban Development Department and they would take action to frame the rules for implementation of the Act. He has also stated it would be appropriate to examine the Model Apartments Bill of the Government of India and review the present Act before framing of the rules for implementation of the Act.

9. **Commission directs the Respondent to ensure that the proposed amendments in the model bill are examined by the Government and after incorporation of the suggested amendments in the bill, if any, to the existing Act, the rules are framed**

**with the assistance of Department of Parliamentary Affairs and Legislation at the earliest for effective implementation of the Act.**

10. In view of the compliance and in terms of the direction, the complaint is disposed off as having been complied with.

11. Dated, draft corrected, signed and pronounced in the open court, this 20<sup>th</sup> day of March 2010.

**(K. A. THIPPESWAMY)**  
STATE INFORMATION COMMISSIONER

Addresses of parties:

<b>KIC 3658 PTN 2009</b> Sri S. Renukaradhya, Under Secretary to Government and PIO, Urban Development Department, Vikasa Soudha, Bangalore-01.	<b>KIC 3658 PTN 2009</b> Sri Chandrashekarappa, Deputy Secretary to Government, Housing Department, Vikasa Soudha, Bangalore-01
<b>KIC 3658 PTN 2009</b> Sri K. Neelakantachar, Assistant Draftsman and Ex-officio Deputy Secretary to Government, Department of Parliamentary Affairs and Legislation, Vidhana Soudha, Bangalore-01.	<b>KIC 3658 PTN 2009</b> Sri Anjini, Assistant Draftsman and Ex-officio Under Secretary to Government, Department of Parliamentary Affairs and Legislation, Vidhana Soudha, Bangalore-01.
<b>KIC 3658 PTN 2009</b> Sri C. N. Kumar, No. 18, 4 <sup>th</sup> Cross, 10 <sup>th</sup> 'C' Main, 1 <sup>st</sup> Block, Jayanagar, Bangalore-560 011.	

Copy to:

The Principal Secretary to Government,  
Housing Department,  
Vikasa Soudha, Bangalore – **for information and needful action.**

Copy to:

The Principal Secretary to Government,  
Urban Development Department,  
Vikasa Soudha, Bangalore – **for information and needful action.**

- (i) **Public Information Officer must mention his full name, address and telephone number in all communications concerning RTI.**
- (ii) **All parties must mention the case number in all communications relating to this case, whether addressed to the Commission or other persons.**