

**Pakistan Information Commission
Government of Pakistan**

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In the Pakistan Information Commission, Islamabad

Appeal No 1413-10/21

Muhammad Jamshaid Shahid

(Appellant)

Vs.

Capital Development Authority

(Respondent)

Order

Date: March 09, 2022

Mohammad Azam: Chief Information Commissioner

A. The Appeal

1. This commission has received an appeal from Muhammad Jamshaid Shahid dated October 22, 2021, stating that he submitted information request dated October 12, 2021 under the Right of Access to Information Act 2017 to the Capital Development Authority. The Respondent public body has not responded to his information request as required under section 13 of the Right of Access to Information Act, 2017. Therefore, the appellant has filed his appeal to the Commission.

2. The information sought by the Appellant is as under:

1. *“That as your officer is well known about the cancellation of lessee of Rawal Lake View Park (Fun and Joy) by the order of honorable Supreme Court. Hence undersigned want to participate in fresh bidding process. So kindly provide me information about following:*

- i. Why so long bidding is pending?*
- ii. When will the fresh bidding for said park are will be conducted?*
- iii. When this bidding will announce?*
- iv. In which expected newspaper it will print?*

2. *That undersigned request that you provide me with the information and copy of all documents containing information regarding of competitive process to lease out above said area a Lake View park.*

3. *If there are any fees for searching or copying above said records, please inform me before filling my request.*
4. *If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.”*

B. Proceedings

3. This commission through a notice dated October 27, 2021 sent to the Secretary CDA Baord / Public Information Officer, Capital Development Authority called upon the Respondent to submit reasons for not providing the requested information.
4. The Appeal was fixed for hearing on February 08, 2022 and both parties were informed through notices sent on December 24, 2021.
5. Mr. Syed Ali Asghar, Council, Capital Development Authority (CDA) appeared before the Commission and requested time for the provision of the information to the Appellant, which was allowed and hearing was adjourned for February 15, 2022.
6. The Appellant and Mr. Syed Ali Asghar, Council, Capital Development Authority (CDA) appeared before the Commission on February 15, 2022 and submitted response which was shared with the Appellant on the same date.
7. The Appellant on February 24, 2022 submitted rejoinder to the response of the appellant which is as under:
 1. *“That applicant filed above said appeal before your honor in which repetitive of Capital Development Authority was appeared and submitted/ share information about each question asked by the applicant.*
 2. *That applicant is fully satisfied with the reply of all questions instead of reply of his first and second questions which were the important one for applicant. Questions are reproduce as below:*
 - a. *Why so long this bidding is pending?*
 - b. *When the **fresh bidding for said park area** was conducted?*
 3. *The reply of CDA has not clearly mentioned the date of bidding and reason of COVID-19 is not justified as other all activities become normal and CDA also going to bid our other parks and doing constructive activities in Capital as before this pandemic disease.*

So kindly order him Capital Development Authority kindly give proper or exact date of bidding of Joy and Land Park Situated at Lake View Park Islamabad.”

C. Discussion and Commission’s View on Relevant Issues

9. This commission has to decide,
 1. Has the public body provided complete and relevant information to the appellant?

2. Whether the information sought by the Appellant in his rejoinder dated February 24, 2022 fall within the definition of the public record under the Right of Access to Information Act, 2017, hereafter referred to as the “Act”.
10. This commission holds that in the instant appeal the public body has addressed all the questions asked by the appellant in his information requested.
11. The information sought by the appellant in his rejoinder dated February 24, 2022 do not fall within the definition of “information” as defined in Section 2(v) of the Act, which is as under:

“Information means information based on record;”

D. Order

20. The appeal is dismissed with no further directions to the public body.
23. Copies of this order be sent to the Secretary CDA Board / Public Information Officer, Capital Development Authority and the Appellant for information.

Mohammad Azam

Chief Information Commissioner

Fawad Malik

Information Commissioner

Zahid Abdullah

Information Commissioner

Announced on:

March 09, 2022

This order consists of 3 (three) pages, each page has been read and signed.