

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/SH/C/2015/000027/KY

Appellant : Shri Deepak Kumar Singh
House No. 28/42, Gali No. A-6
TihriVisthapit Colony, Near 40V
Vahni P.A.C., Ranipur, Haridwar-249407

Public Authority : The CPIO
Ministry of Heavy Industries and Public Enterprises
BHEL Educational Management Board
Room No. 223, 2nd Floor, Old Engg. Building, Ranipur, Haridwar

Date of Hearing : 09.09.2016
Date of Decision : 09.09.2016

Presence:

Appellant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **19.05.2014**, the Appellant sought information on **36 issues**.
- II. CPIO, vide its response dated **28.05.2014 & 09.06.2014**, allowed for the inspection.
- III. The First Appeal (FA) was filed on **09.08.2014**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Appeal filed on **NIL.12.2014**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant as well as respondent opted to be absent despite of our due notice to them.

DECISION

At the outset, it is stated here that as per the contents of the prayer clause, as embedded in the instant petition, **it is a case of second appeal**. However, the Central Registry registered it **wrongly as a complaint for the reasons best known to them**. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **19.05.2014**, sought information from the respondents on **36 issues**. Respondents, vide their responses dated **28.05.2014 & 09.06.2014**, allegedly requested the appellant to have the inspection of the relevant records and pin point the required documents of which the photocopies are needed.

Being aggrieved by the aforesaid response, FA was filed by the appellant on **09.08.2014** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.

3. It is worth to mention here that as per **section 2(j)(i) of the RTI Act 2005**, the right of inspection of relevant record vested with the appellant and not with the respondents. As such, if the respondents have been insisting of any applicant to have the inspection of the relevant record that is **not legally tenable**. However, it is having a legal force in **vice-versa situation**.
4. Further, in the present case, appellant has not requested the respondents for allowing him the inspection of the records. As such, respondent's responses dated **28.05.2014 & 09.06.2014**, deserve to be quashed and set aside being legally untenable in the eyes of law. As such, these are hereby quashed and set aside. Thus, the respondents are under legal obligation to provide the required information to the appellant on his RTI application dated **19.05.2014**.
5. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **19.05.2014**, respondent's response dated **28.05.2014 & 09.06.2014**, other material made available on record and also the grounds of memorandum of second appeal.
6. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than twenty-seven months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that it would be appropriate and even justified to allow the appellant's **second appeal in toto instead of remanding back to learned FAA for disposal of FA which is even more time consuming**. Therefore, it is allowed in toto.
7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application dated **19.05.2014**, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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