

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000060**

**Dated 26.10.2016**

**Complainant** : Shri Damodar Hargawankar,  
MGM Medical Boys Hostel Campus,  
F-II, Warden Qtrs.,  
Near White Church, Indore,  
Madhya Pradesh.

**Respondent** : Central Public Information Officer,  
Central Excise, Service Tax & Customs,  
Manik Bagh Palace, Indore,  
Madhya Pradesh.

**Date of Hearing** : 26.10.2016

**Relevant dates emerging from the complaint:**

RTI application filed on : 20.07.2015

Complaint filed on : 31.08.2015

**ORDER**

1. Shri Damodar Hargawankar filed an application dated 20.07.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Excise, Service Tax and Customs seeking information regarding action taken on his letter dated 01.04.2015 and 20.06.2015.

2. The complainant filed a complaint dated 31.08.2015 before the Commission on the grounds that no information in response to his RTI application has been provided to him by the respondent.

**Hearing:**

3. Both the complainant Shri Damodar Hargawankar and the respondent Shri Mohammad Naushad, Superintendent, RTI, Customs Excise were present in person.

4. The complainant submitted that he had sought information regarding action taken on his two-letters dated 01.04.2015 and 20.06.2015. However, no information has been provided to him by the respondent. The complainant further submitted that the RTI application dated 20.07.2015 was sent to the respondent by Speed Post with an IPO of Rs. 10/- bearing no. 26F065423.

5. The respondent submitted that a reply to the RTI application could not be furnished to the complainant as no RTI application dated 20.07.2015 of the complainant was received in the respondent office.

**Decision:**

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that as per the respondent a reply could not be given due to non-receipt of the RTI application in the respondent office. However, as per the complainant the said application was dispatched by the Speed Post to the respondent and, therefore, it is presumed that the application was received by the respondent. The Commission, notes that record keeping and proper maintenance of files is a key function of any public authority. In view of this, it is imperative to ascertain the facts leading to the misplacement of the records relating to the RTI application dated 20.07.2015 filed by the complainant. The Commission, therefore, directs the First Appellate Authority, Central Excise, Service Tax and Customs to inquire into the matter of the 'missing' complaint and to ascertain as to whether the records were actually misplaced or the CPIO had taken that plea to deny information to the complainant. The FAA shall also, if required, take appropriate departmental

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action against the officers/officials responsible for the misplacement of the records. A copy of the inquiry report along with the action taken report may be provided to the Commission as well as to the complainant within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observations, the complaint is disposed of.
8. Copy of the decision be provided free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**