

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
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Appeal No. CIC/BS/A/2016/000116

Appellant: Mahesh Kumar Gupta
C/o Sh. Omprakash Gupta, 610/94, Keshav Nagar,
Sitapur Road, Lucknow, UP.

Respondent: Central Public Information Officer
Dy. GM, BSNL, O/o DGM Telecom Distt. Mahanagar
Swechha, Lucknow, UP

Date of Hearing: 30.03.2017
Dated of Decision: 30.03.2017

ORDER

Facts:

1. The appellant filed RTI application dated 15.06.2015, seeking information regarding deduction of certain amounts from his mobile no. 9415058352 for the period 03.05.2015 to 20.05.2015
2. The CPIO response is not on record. The appellant filed first appeal with the First Appellate Authority (FAA). The FAA response is not on record. The appellant filed second appeal on 06.01.2016 before the Commission on the ground that information should be provided to him.

Hearing:

3. Appellant and the respondent participated in the hearing through VC.
4. The appellant stated that he wants to know the reasons as to why Rs. 1700/-, Rs. 256/- and Rs. 66/- (total Rs. 2022) was deducted from balance/security of his mobile no. 9415058352 during 03.05.2015 to 20.05.2015. The appellant stated that he had visited personally the office of the respondent but no reply was given to him. The appellant stated that to get this information he

had contacted call centre through phone 7-8 times but no satisfactory reply was given. He was always told that the sought for information shall be supplied in 24 hours. However, no response was ever received. The appellant stated that after exhausting possibilities, he had moved this RTI application to know the reasons of deduction. On query from the Commission, the appellant stated that he had learnt of these deductions from SMSs sent on his mobile.

5. The respondent stated that they had received neither the RTI application nor the first appeal of the appellant. The respondent stated that they have taken up the matter with the account section regarding information, if any, on encashment of postal order stated to have been submitted by the appellant. The account section confirmed to the respondent that no postal order was encashed. The respondent stated that they have received the RTI details of the appellant for the first time, along with the notice of hearing in this Commission. The respondent stated that on having received aforesaid notice, they had taken up the matter with their Chandigarh Office which maintains Call Detail Record (CDR). The respondent stated that the commercial data viz CDR, payment record, call centre record is not available with them now as the record retention period for such data is one year.
6. The appellant stated and showed the proof of dispatch of RTI application that was submitted to the respondent.

Discussion/ observation:

7. The Commission perused the dispatch receipt and concluded that the RTI application had been sent to the respondent. The Commission observes that presently there is no way of giving information as the record had been weeded out. However, the appellant can be compensated for loss and detriment suffered by him as the BSNL system has failed to give information to the appellant.

Decision:

8. The respondent public authority i.e. BSNL is directed to pay a token compensation of Rs. 2500/- to the appellant within 30 days of receipt of this order and file compliance with the Commission.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar