

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/SH/C/2015/000125/KY

Appellant : Shri Imtiyaz Hussain  
S/o. Late Mustafa Ali  
11/23, Church Road, Near Radio Park  
Swatantra Nagar, Cowl Bazaar, Bellary-583102

Public Authority : The CPIO  
Ministry of Heavy Industries and Public Enterprises  
Bharat Heavy Electrical Limited (BHEL)  
Malleshwaram, Bengaluru, Karnataka-560012

Date of Hearing : 09.09.2016  
Date of Decision : 09.09.2016

## Presence:

Appellant : Absent  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **23.10.2014**, the appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **04.11.2014**, allegedly not provided the required information to the Appellant.
- III. The First Appeal (FA) is not on record
- IV. First Appellate Authority (FAA) order is not on record
- V. Grounds for the Complaint filed on **19.01.2015**, are contained in the Memorandum of Complaint.

## 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 **23.10.2014**, sought information from the respondents on **2 issues**. Further, respondents vide their response dated **04.11.2014**, allegedly not provided the required information to the Appellant.
3. Being aggrieved by the aforesaid response, appellant **miserably failed** to avail the **efficacious and alternate legal remedy** existed under the RTI Act 2005 i.e. to file First Appeal under **section 19 (1) of the RTI Act 2005** before the Learned FAA but rather he filed a Second Appeal directly before this Commission **without exhausting the alternate remedy** mentioned above and available to him.
4. In view of the **position** above and in the **circumstances** of the case, the Commission feels that it would be **appropriate and even justified** to direct the appellant to avail the **efficacious and alternate legal remedy** available to him by filing the **first appeal**, before the learned FAA for its adjudication. Thus, **ordered accordingly**. The appellant is further granted a liberty to move a second appeal before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

The CPIO  
Ministry of Heavy Industries and Public Enterprises  
Bharat Heavy Electrical Limited (BHEL)  
Malleswaram, Bengaluru, Karnataka-560012

Shri Imtiyaz Hussain  
S/o. Late Mustafa Ali  
11/23, Church Road, Near Radio Park  
Swatantra Nagar, Cowl Bazaar, Bellary-583102