

CENTRAL INFORMATION COMMISSION

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

File No. **CIC/KY/A/2015/000196**

Appellant : Shri Pankaj Bhatnagar
House no. 53, Parada Bagh, Darya Ganj,
New Delhi-110002

Public Authority : The CPIO
M/o Urban Development, Land & Development,
A-Wing, Nirman Bhawan, Dr. Molana Azad Road, New Delhi- 110011

Date of Hearing : 16.12.2016
Date of Decision : 16.12.2016

Presence:

Appellant : Mrs. Kirti Bhatnagar, W/o Appellant
CPIO : Absent

FACTS:

- I. Vide RTI application dated **31.02.2012**, (as per Complaint) is not on record.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on **21.03.2012**, (as per Complaint) is not on record.
- IV. First Appellate Authority (FAA), order is not on record.
- V. CIC Order dated **27.02.2013**, directed FAA to provide the information to the Appellant with liberty to file Second Appeal if information not provided.
- VI. Grounds for the Second Appeal filed on **NIL**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant appeared before the Commission personally and made the submissions at length. **Respondent opted to be absent despite of our due notice to them.**

DECISION

1. In pursuance to CIC's earlier order dated **27.02.2013**, passed by Sh. Vijai Sharma, Hon. Information Commissioner in file No. **CIC/VS/C/2012/000066/02275**, the captioned Second Appeal has been filed by the appellant before the Commission. Sh. Vijai Sharma, Hon. Information Commissioner, vide his order dated **27.02.2013**, disposed of **then** Complaint filed by the then complainant, as under:

"In the event, no information has been provided or if there are any deficiencies in the information furnished by the PIO, the FAA shall direct the

PIO to provide the complete information in reply to the RTI application dated 31.02.2012 to the Complainant, with a copy to the Commission. Further, the FAA shall also enquire and send an enquiry report to the Commission within 40 days from receipt of this order containing the reasons for not furnishing and/or the delay in furnishing the complete information by the PIO affixing responsibility and identifying the officer(s) so responsible, if any. Furthermore, the FAA shall send written submissions to the Commission within 50 days from receipt of this order explaining why no order was passed with respect to the First Appeal filed by the Complainant.

If the Complainant is not satisfied with the orders of the FAA, he/she will be free to move a Second Appeal before the Commission under Section 19(3) of the RTI Act."

2. During hearing of the appeal, Mrs. Kirti Bhatnagar, on behalf Appellant, has submitted a hand written submissions dated 16.12.2016. As per the contents of hand written submissions dated **16.12.2016**, it is submitted by her that she relied upon a statement given by the respondents/ L&DO, for providing the required information to the appellant. In view of this, she has requested this Commission to allow the appellant to withdraw his second appeal.
3. In view of the above, the Commission finds **no legal hitch** in acceding to the appellant's request, subject to a rider that appellant will be debarred to file a Second Appeal, before this Commission, second time, on the same RTI application. Thus, the appellant's request is hereby acceded to and his second appeal is **dismissed as withdrawn**.

The appeal is dismissed as withdrawn.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

M/o Urban Development, Land & Development,

A-Wing, Nirman Bhawan,

Dr. Molana Azad Road, New Delhi- 110011

Shri Pankaj Bhatnagar

House no. 53, Parada Bagh, Darya Ganj,

New Delhi-110002