

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SB/A/2015/000198/KY

Appellant : Shri Hitender Mehta
C/o. Vaish Associates Advocates
803, Tower-A, Signature Towers, South City-I
NH#8, Gurgaon-122001, Haryana

Public Authority : The CPIO
Ministry Corporate Affairs,
The ICSI, ICSI House, 22 Institutional Area
Lodhi Road, New Delhi-110003

Date of Hearing : 17.10.2016

Date of Decision : 17.10.2016

Presence:

Appellant : Absent

CPIO : Absent

FACTS:

- I. Vide RTI application dated **30.04.2015**, the Appellant sought information on **8 issues**.
- II. CPIO, vide its response dated **26.05.2015**, denied to provide the information u/s 8 (1) (j) and 11 (1) on point no (1-4) and (6-8).
- III. The First Appeal (FA) was filed on **29.05.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **26.06.2015**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **03.08.2015**, are contained in the Memorandum of Second Appeal.

HEARING

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

DECISION

After going through the nature of the prayer clause as mentioned in petitioner's petition, the Commissioner feels that Shri Hitender Mehta filed **petition in composite nature** whereby, the petitioner has sought the required information and also the penal action against the erring officials under **Section 20(1)** of the RTI Act 2005. Thus, this

petition may be legally construed as composite petition in the light of provisions of RTI Act 2005.

2. By virtue of above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the required information is allowed on such composite petition, the incorporation of Section 18 read with 20(1) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
3. Further, in other words, it may be stated here that the required information, is legally permissible to be provided to the petitioner, if he wishes to file the petition u/s 19(3) of the RTI Act 2005 i.e. second appeal only before this Commission. Similarly, the reliefs provided under Sub Clause (1) & Sub Clause (2) of Section 20 of the RTI Act 2005, are legally permissible to be provided to the petitioner, in case, he wishes to file the petition u/s 18 of the RTI Act 2005 i.e. a complaint before this Commission and, however, **not in otherwise**.
4. By virtue of the above, the Commissioner feels that **in the absence of expressed & enabling** provisions under the RTI Act 2005 to file the **Composite Petition**, the instant composite petition is **devoid of merit** and deserves to be **dismissed**. Therefore, it is hereby dismissed.

The Petitioner is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

Ministry Corporate Affairs,

The ICSI, ICSI House, 22 Institutional Area

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