

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SS/C/2013/000213/KY

Complainant : Shri Dilip Shrishrimal
213, Station Road, Mahasamund
Chattisgarh-493445

Public Authority : The DGM & CPIO
Ministry of Commerce
Export Credit Guarantee Corporation of India Limited,
Dalamal House, Gr. Floor, Jamnalal Bajaj Marg,
Nariman Point, Mumbai-400021

Date of Hearing : 09.09.2016
Date of Decision : 09.09.2016

Presence:

Complainant : Absent
CPIO : Shri Shri Vishnu B. Savardekar, DGM & FAA and
Shri P S K Kumar, AGM & CPIO

FACTS:

- I. Vide RTI application dated **29.10.2012**, the Complainant sought information on **sole issue**.
- II. CPIO, vide its response dated **26.11.2012**, reportedly provided the information to the Complainant.
- III. The First Appeal (FA) was filed on **27.01.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **25.02.2013**, upheld the decision of CPIO.
- V. Grounds for the Complaint filed on **03.03.2013**, are contained in the Memorandum of Complaint.

HEARING

Complainant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

At the outset, it is stated here that on careful perusal of the case-file, specifically, the contents of instant complaint dated 03.03.2013 and the RTI application dated 29.10.2012 along with CPIO's response dated 26.11.2012, it is revealed to the Commission that the instant complaint is not based on the RTI application and CPIO's response annexed therewith. Thus, the instant Complaint seems to be **defective one** under the provisions of RTI Act 2005.

2. Apart from above, It would be seen here that the complainant, vide his RTI Application dated **29.10.2012**, sought information from the respondents on sole issue as contained therein. Respondents vide their response dated **26.11.2012**, provided the required information to the complainant. Being aggrieved by the aforesaid response, FA was filed by the complainant on **27.01.2013** before the FAA, who vide his order dated **25.02.2013**, upheld the decision of CPIO. Hence, complainant has filed his complaint dated **03.03.2013** before the Commission.
3. It is pertinent to mention here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
4. It is further stated here that, as per **Section 18 (2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**.
5. The Commission heard the submissions made by respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **29.10.2012**, respondent's response dated **26.11.2012**, FAA's order dated **25.02.2013** and also the contents of complaint.
6. In view of the **position** above and in the **circumstances** of the case, the Commission feels, **not satisfied**, under section 18(2) of the RTI Act 2005, that there are **reasonable grounds** for getting the matter inquired simply because the complaint, under reference, **miserably failed to qualify** the criteria as mentioned under **Section 18(1) of the RTI Act 2005**. As such, the Commission is of the considered view that complainant's complaint devoids of merit and deserves to be **dismissed** forthwith. Therefore, it is hereby **dismissed**.

The complaint is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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