

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/C/2016/000247

Appellant : Mr. Santosh Kumar
Flat No. 8, First Floor, Block-C-6
DDA Golf Link Society, Pocket-8
Sec-23B, Dwarka, N.D.-110077

Public Authority : The PIO & Sr. R. O. (RTI)
DDA, Vikas Sadan, INA
New Delhi-110023

Date of Hearing : 28.09.2016

Date of Decision : 28.09.2016

Presence:

Appellant : Mr. Santosh Kumar, Mr. Raj Kishan Kumar, Learned Advocate
PIO : Absent

FACTS:

- I. Vide RTI application dated **29.01.2016**, the Appellant sought information on **3 issues**.
- II. PIO, response is not on record.
- III. The First Appeal (FA) was filed on **09.03.2016**, FAA is not on record.
- IV. First Appellate Authority (FAA), vide its order dated **11.03.2016**, transferred to concern FAA.
- V. Grounds for the Second Appeal filed on **25.06.2016**, are contained in the Memorandum of 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

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. During hearing of the appeal, it is submitted by Appellant that he vide his RTI Application dated **29.01.2016**, sought information from the respondents on **3 issues**. Respondents, vide their responses dated **11.05.2016, 16.05.2016, 18.05.2016, 24.05.2016, 30.05.2016**,

03.06.2016, 29.06.2016, 14.07.2016 & 21.09.2016, not provided the required information to the appellant. However, on careful perusal of the case-file, there appears that Appellant failed to annex the necessary papers at the time of filing of Second Appeal dated **25.06.2016** before this Commission i.e. respondent's responses dated **11.05.2016, 16.05.2016, 18.05.2016, 24.05.2016, 30.05.2016, 03.06.2016, 29.06.2016, 14.07.2016 & 21.09.2016**, for the reasons best known to him.

3. At this, on being queried by the Commission, as to why Appellant has **suppressed** the relevant material fact before this Commission. On this very aspect, Mr. Santosh Kumar, **failed to give any plausible reasons** in this regard except lame excuses.
4. Further, it is stated here that as per Rule 8 i.e. RTI Rule 2012 framed under the provisions of RTI Act 2005, it is mandatory on the part of appellant to annex certain copy of documents, which reads as under:
 - i) a copy of the application submitted to the Central Public Information Officer
 - ii) a copy of the reply received, if any, from the Central Public Information Officer;
 - iii) a copy of the appeal made to the First Appellate Authority
 - iv) a copy of the Order received, if any, from the First Appellate Authority
 - v) copies of other documents relied upon by the appellant and referred to in his appeal
 - vi) an index of the documents referred to in the appeal
5. By virtue of position above, there appears that appellant failed to comply the rules above, as he has not **annexed the necessary documents** at the time of filing of his Second Appeal dated **25.06.2016** before this Commission i.e. respondent's responses dated **11.05.2016, 16.05.2016, 18.05.2016, 24.05.2016, 30.05.2016, 03.06.2016, 29.06.2016, 14.07.2016 & 21.09.2016**, for the reasons best known to him. Thus, the Commission finds that there was complete **violation** of Rule 8 of RTI Rule 2012 framed under the provisions of RTI Act 2005.
6. Further, during hearing of the appeal, appellant has regretted his mistake and submitted complete necessary papers along with his written submissions dated **28.09.2016**, for the kind perusal of the Commissioner.
7. Furthermore, it is pertinent to mention here that the respondents, vide their various responses dated **11.05.2016, 16.05.2016, 18.05.2016, 24.05.2016, 30.05.2016, 03.06.2016 & 14.07.2016**, **transferred** the appellant's RTI application from one Branch to another sister Branch for taking necessary action. However, respondents vide their subsequent responses dated **29.06.2016, & 21.09.2016**, have provided the some required information to the appellant on his RTI application dated **29.01.2016**.

8. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **29.01.2016** and respondent's responses dated **29.06.2016, & 21.09.2016**, it is revealed to the Commission that the respondents have provided the required information against **issue no. (b) only**. However, respondents **failed to provide any information**, against **issues no. (a) & (c)**, to the appellant.
9. The Commissioner heard the submissions made by appellant at length. The Commission also perused the case-file **thoroughly**; specifically, nature of issues raised by the appellant in his RTI application dated **29.01.2016**, respondent's response dated **11.05.2016, 16.05.2016, 18.05.2016, 24.05.2016, 30.05.2016, 03.06.2016, 29.06.2016, 14.07.2016 & 21.09.2016**, other material made available on record and also the grounds of memorandum of second appeal.
10. The Commission is of the considered view that the appellant has been deprived by the respondents deliberately from having the benefits of the RTI Act 2005, **even after lapse of eight months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by August Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed partly i.e. against issues no. (a) & (c). Therefore, it is allowed accordingly.
11. In view of the above, the respondents are hereby directed to provide the complete & categorical information, against **issues no. (a) & (c)**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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