

# 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/KY/C/2016/000248

Complainant : Mr. J. K. Mittal  
57, East End Enclave  
Delhi-110092

Public Authority : The Dy. Director (CS) & PIO  
DDA, B-7/704, Vikas Sadan, INA  
New Delhi-110023

Date of Hearing : 28.09.2016

Date of Decision : 28.09.2016

## Presence:

Complainant : Absent  
PIO : Absent

## FACTS:

- I. Vide RTI application dated **08.12.2015**, the Complainant sought information on **5 issues**.
- II. PIO, response is not on record.
- III. The First Appeal (FA) was filed on **23.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **13.07.2016**, are contained in the Memorandum of Complaint.

## HEARING

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

## DECISION

1. At the outset, it is to be seen here that the captioned Complaint is based upon complainant's earlier RTI application dated **08.12.2015**. It is further to be seen here that this Hon. Commission has already taken up the complainant's earlier Petition (converted into Second Appeal) based on complainant's RTI application dated **08.12.2015** dealt in file no. **CIC/KY/A/2016/001167** on **21.09.2016** and passed it's speaking order by observing as under:

"By virtue of position above and in the circumstances of the case, the Commission is of the considered view that it is a fit case to be remanded back to learned FAA with a

direction to dispose of the Appellant's FA filed on 23.05.2016, in accordance with the provisions of RTI Act 2005, and after giving an opportunity to the appellant of being heard, within 30 days from the date of receipt of this order under intimation to the Commission. As such, the case is remanded back."

2. Further, it is pertinent to mention here that despite of our **due notice**, neither Complainant nor the respondents appeared **either in person** or through someone, duly authorized by them before the Commission to press their cases. However, the Commission feels that complainant must have appeared, in such situations, to press his complaint before the Commission, after all, it is his case to be pursued strongly but complainant is also absent **deliberately**, despite of our due notice. Thus, it shows the intention of the complainant that he is not interested, **at all**, in pursuing his own case before the Commission.
3. Apart from above, the captioned complaint is being dealt on merit on the basis of record available in the official file. It would be seen here that the complainant, vide his RTI Application dated **08.12.2015**, sought information from the respondents on 5 issues as contained therein. However, respondents **failed to furnish** any response to the complainant. Being aggrieved with the aforesaid PIO's **inaction**, complainant filed his FA on **23.05.2016** before FAA, who **could not take up** the same for its disposal **for the reasons best known to them**. Hence, complainant has filed his complaint dated **13.07.2016** before the Commission.
4. 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.
5. 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 the 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**.
6. The Commissioner has perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **08.12.2015**, other material made available on record and also the memorandum of complaint.
7. By virtue of position above, the Commission seems to be, **prima facie, satisfied** under Section 18(2) of the RTI Act 2005, that there appears a **reasonable ground** to proceed further by making a proper inquiry in the matter. In view of this, the Commission feels that it

would be appropriate and even justified to **direct Sh. Arun Goel, Vice-Chairman, to depute an officer (not below the rank of Joint Secretary) who conduct an inquiry in the matter and identify the officers** who are responsible for **not providing** the required information to the Complainant in the matter and submit an **exhaustive report** to the Commission, within four weeks **from the date of receipt of this order** to enable the Commission to proceed in the matter further. Thus, **Sh. Arun Goel, Vice-Chairman**, is hereby directed accordingly.

8. Further, **Sh. Arun Goel, Vice-Chairman**, may also depute the concerned learned First Appellate Authority and/or CPIO along with the **exhaustive inquiry reports** and also the **complete record** of the case, to present the case on behalf of respondents, before proceeding under **Section 18 read with 20 of the RTI Act 2005**. In case of failure, the Commission will be left with no option but to proceed u/s **18 read with Section 20 of the RTI Act 2005** on the **basis of record** made available in the case file.
9. Let the case be listed on **04.11.2016 at 1500 hours** in the room no. 308, 2<sup>nd</sup> Floor, Bhikaji Cama Place, August Kranti Bhawan, New Delhi-110066, for further hearing/order. The parties concerned be informed accordingly.

The complaint is disposed of accordingly.

Sd/-  
(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

1. Sh. Arun Goel,  
Vice-Chairman  
DDA, Vikas Sadan, INA  
New Delhi-110023
2. The Dy. Director (CS) & PIO  
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