

CENTRAL INFORMATION COMMISSION

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

Files No. CIC/CC/C/2015/000255/KY

CIC/CC/C/2015/000267/KY

Appellant : Shri Pranav Kumar
S/o. Shri Mahendra Narayan Lal
Vill-Kurwa, Dudhani, Dumka, Jharkhand
Pin-814101

Public Authority : The CPIO
M/o Commerce and Industry
O/o. the Controller General Patents, Design
& Trade Marks, BoudhikSampadaBhavan,
1st Floor, S M Road
Antop Hill, Mumbai-400037

Date of Hearing : 15.09.2016

Date of Decision : 15.09.2016

Presence:

Appellant : Shri Pranav Kumar
CPIO : Shri Kundan Kumar Examiner of Patents & Design & CPIO

FACTS:

- I. Vide RTI application dated **05.12.2014**, the applicant sought information on **9 issues**.
- II. CPIO, vide its response dated **08.12.2014 & 05.01.2015**, has reportedly not provided the complete information to the Appellant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Second Appeal filed on **05.03.2015**, are contained in the Memorandum of Appeal.

HEARING

Appellant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

At the outset it is submitted by appellant that there are his **two Second Appeals** dealt in file no. **CIC/CC/C/2015/000255/KY & CIC/CC/C/2015/000267/KY** based on his two RTI applications of the same date i.e. dated **05.12.2014**. However, it further submitted by appellant that subject matter of both RTI applications are **same**. Thus, in view of this, these two cases are being dealt together.

2. Further, it is to be seen 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.
3. It would be seen here that the appellant, vide his RTI Application dated **05.12.2014**, sought information from the respondents on **9 issues**. Respondents, vide their response dated **08.12.2014**, **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action. Further, another CPIO vide his response dated **05.01.2015**, allegedly provided the some required information to the appellant. Being aggrieved by the aforesaid response, second appeal was filed by the appellant on **05.03.2015** before this Commission.
4. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **05.12.2014** and respondent's response dated **05.01.2015**, it is revealed to the Commission that the respondents have provided the required information against **issues no. 1, 4 to 9**. However, respondents have provided the **vague & incorrect** information, against **issues no. 2 & 3**, to the appellant.
5. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **05.12.2014**, respondent's response dated **08.12.2014 & 05.01.2015**, other material made available on record and also the grounds of memorandum of second appeal.
6. 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 more than twenty-one months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by the August Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be **allowed partly** i.e. against **issues no. 2 & 3**. Therefore, it is **allowed accordingly**.

7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, against **issues no. 2 & 3**, 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 disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

The CPIO
M/o Commerce and Industry
O/o. the Controller General Patents, Design
& Trade Marks, BoudhikSampadaBhavan,
1st Floor, S M Road, Antop Hill, Mumbai-400037

Shri Pranav Kumar
S/o. Shri Mahendra Narayan Lal
Vill-Kurwa, Dudhani, Dumka, Jharkhand
Pin-814101