

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/2016/000269

Complainant : Shri Ranjit Kumar Choudhary
House No. 417, Azadpur Village
Delhi-110033

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

Date of Hearing : 13.10.2016

Date of Decision : 13.10.2016

Presence:

Complainant : Shri Ranjit Kumar Choudhary and Shri Govind Lal Arora
PIO : Shri Manish Kr. Verma, Dy. Director (B) L&I/PIO

FACTS:

- I. Vide RTI application dated **24.08.2015**, the Complainant sought information on **4 issues**.
- II. PIO, response is not on record.
- III. The First Appeal (FA) was filed on **02.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **17.06.2016**, are contained in the Memorandum of Complaint.

HEARING

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

DECISION

After going through the nature of the prayer clause as mentioned in petitioner's petition, the Commissioner feels that Mr. K. Kathikeyan 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 19(3) 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** on this ground only. However, apart from this, the captioned complaint case is being dealt with on merit accordingly.
5. It is to be seen here that the complainant, vide his RTI Application dated **24.08.2015**, sought information from the respondents on 4 issues as contained therein. Respondents vide their response dated **20.10.2015**, **denied** the required information to the complainant by taking a plea under **Section 8(1)(j) read with Section 11** of the RTI Act 2005. Further, it is submitted by the respondents that they vide their letter dated **07.10.2015**, asked the Third Party to give his comments for providing the required information to the Complainant. It is also submitted by respondents that the Third Party i.e. Negolice India Ltd., E-34, 2nd Floor, Connaught Circus, New Delhi-110001, vide his letter dated **12.10.2015**, has objected in providing the required information to the Complainant.
6. 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.
7. 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**.

8. The Commission heard the submissions made by complainant as well as respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **24.08.2015**, respondent's response dated **20.10.2015**, and also the contents of complaint.
9. 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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