

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/2016/000300

Appellant : Shri Shyam Sundar Saxena
R/o. G-76, 1st Floor, West Patel Nagar
New Delhi-110008

Public Authority : The Dy. Director (CL) & PIO
DDA, A-Block, 2nd Floor, Vikas Sadan, INA
New Delhi-110023

Date of Hearing : 13.10.2016
Date of Decision : 13.10.2016

Presence:

Appellant : Absent
PIO : Absent

FACTS:

- I. Vide RTI application dated **25.03.2016**, the Appellant sought information on **5 issues**.
- II. PIO, vide its response dated **30.09.2016**, reportedly not provided the 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 **13.06.2016**, are contained in the Memorandum of Appeal.

HEARING

Appellant as well as 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. It would be seen here that the appellant, vide his RTI Application dated **25.03.2016**, sought information from the respondents on **5 issues**. Respondents, vide their response dated **30.09.2016**, allegedly **denied** the required information to the appellant.

3. Being aggrieved by the aforesaid **inaction**, appellant **miserably failed** to avail the **efficacious and alternate legal remedy** existed under the RTI Act 2005 i.e. to file First Appeal under **section 19 (1) of the RTI Act 2005** before the Learned FAA but rather he filed a Second Appeal directly before this Commission **without exhausting the alternate remedy** mentioned above and available to him.
4. In view of the **position** above and in the **circumstances** of the case, the Commission feels that it would be **appropriate and even justified** to direct the appellant to avail the **efficacious and alternate legal remedy** available to him by filing the **first appeal**, before the learned FAA for its adjudication. Thus, **ordered accordingly**. The appellant is further granted a liberty to move a second appeal before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Dy. Director (CL) & PIO

DDA, A-Block, 2nd Floor, Vikas Sadan, INA

New Delhi-110023

The Sr. R.O. (RTI)

DDA, RTI Implementation and Co-ordination Branch,

C-Block, 3rd Floor, Vikas Sadan,

INA, New Delhi-110023

Shri Shyam Sundar Saxena

R/o. G-76, 1st Floor, West Patel Nagar

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