

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/KY/A/2014/000309

Dated 16.11.2016

Appellant : Shri D. DhayaDevadas,
1/580, 7th Street,
Veerabathran Nagar,
Mambakkam Main Road,
Medavakkam, Chennai-600100

Respondent : Central Public Information Officer,
O/o Assistant Commissioner of
Central Excise,
C-50, SIPCOT Industrial Complex,
Tuticorin-628008.

Date of Hearing : 16.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 22.10.2013

First appeal filed on : 30.11.2013

Second appeal filed on : 18.01.2015

ORDER

1. Shri D. DhayaDevadas filed an application dated 22.10.2013 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), /Assistant Commissioner of Central Excise, Tuticorin seeking copies of letters submitted by M/s V.V. Minerals, M/s Beach Mineral Sand Co. and their associates or any other firm, company or persons against the Federation of Indian Placer Mineral Industries and the Federation President from 01.04.2010.

2. The appellant filed a second appeal dated 18.01.2014 before the Commission on the grounds that neither the CPIO nor the First Appellate Authority (FAA) replied to his RTI application/First Appeal. The appellant requested the Commission to direct the CPIO to furnish the information/copies of documents sought by him vide his RTI application.

Hearing:

3. The appellant Shri D. DhayaDevadas was not present despite notice. The respondent Shri A. Muthiah, CPIO and Assistant Commissioner of Central Excise, Tuticorin Division attended the hearing through video conferencing.

4. The respondent submitted that the RTI application of the appellant dated 20.10.2013 was not received in the office of the respondent and it is only with the receipt of the notice of hearing from the Commission that a copy of the RTI application was received. The respondent further submitted that the first appeal in the matter was received and accordingly, it was disposed of by the FAA vide his order dated 03.02.2014 observing that “.....*the RTI application was not received by the CPIO, Tuticorin and no CPIO’s order has been given. In absence of any CPIO’s order, there is no appellate jurisdiction, therefore, the appeal for the same is not considered*”.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that a reply in response to the RTI application could not be given as the RTI application of the appellant was not received in the respondent office. However, since the RTI application has now been received in the respondent office, the respondent is hereby directed to provide a reply to the appellant as per the provisions of the RTI Act, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations, the appeal is disposed of.
7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer