

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SB/A/2015/000389/KY

Appellant : Shri Ramandeep Singh Chawla
House No. 10, Sec-18-A, Opp. Dharamshala
Chandigarh

Public Authority : The CPIO
Excise & Taxation Department, Addll. Town Hall Building,
Sec-17-C, UT Chandigarh

Date of Hearing : 01.12.2016
Date of Decision : 01.12.2016

Presence:

Appellant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **27.08.2015**, the Appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **12.10.2015**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **NIL**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Second Appeal filed on **15.10.2015**, are contained in the Memorandum of Second Appeal.

HEARING

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

DECISION

It would be seen here that the appellant, vide his RTI Application dated **27.08.2015**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **12.10.2015**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **NIL** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **12.10.2015**, **not provided** the required information to the appellant by stating that information, as sought for, is not available in their office. It is worth to mention here that there are particular situations for **non-availability** of the records i.e. (i) records are weeded out, (ii) records are lost in transit & (iii) records are lost in flood (iv) records are lost in fire. However, respondents failed to mention any of these situations for non-availability of the records. In view of this, CPIO's response dated **12.10.2015** deserves to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**.
3. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **27.08.2015**, respondent's response dated **12.10.2015**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 fifteen months period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
5. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, 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.**
6. The Commission further directs the respondents to trace out the relevant file by making fresh and genuine efforts by using **due diligence**. In case, the file **still remains untraceable, a declaration supported by affidavits, duly sworn-in, be given to the appellant within the same period of 30 days as mentioned above**. With these directions, the appellant's second appeal is hereby closed.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO
Excise & Taxation Department,
Addl. Town Hall Building,
Sec-17-C, UT Chandigarh

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