

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SS/C/2013/000390/KY

Complainant : Ms. Anchal Agarwal
14/74, Indira Nagar, Lucknow
Uttar Pradesh-226016

Public Authority : The CPIO
Ministry of Heavy Industries and Public Enterprises
MMTC Ltd., Core-I, Scope Complex
7 Institutional Area, Lodhi Road, New Delhi-110003

Date of Hearing : 29.08.2016
Date of Decision : 29.08.2016

Presence:

Complainant : Ms. Anchal Agarwal
CPIO : Shri V K Pandey, CGM & CPIO

FACTS:

- I. Vide RTI application dated **10.04.2013**, the appellant sought information on **17 issues**.
- II. CPIO, vide its response dated **08.05.2013**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **15.05.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **07.08.2013**, 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

It would be seen here that the complainant, vide her RTI Application dated **10.04.2013**, sought information from the respondents on 17 issues as contained therein. Respondents vide their response dated **08.05.2013**, denied the required information to the complainant. Being aggrieved by the aforesaid response, FA was filed by the complainant on **15.05.2013** before the FAA, who could not take up the same for its disposal. Hence, complainant has filed her complaint dated **07.08.2013** before the Commission.

2. It is needless to mention here that complainant has filed her RTI application dated **10.04.2013 (through E-mail)** to the respondents requesting them to provide the information at her email id- anchal1227@rediffmail.com. On this, a query was also posed to her to justify her request in the light of provisions of RTI Act 2005. On this, complainant miserably failed to quote any provisions of RTI Act 2005 in support of her request quoted above.
3. It is worth to mention here that respondent vide their response dated **08.05.2013**, responded the complainant's RTI application dated **10.04.2013**, as under:

"We are in receipt of RTI application dated 10.04.2013, we are willing to furnish the desired information in response to your RTI application. However, for seeking information under RTI Act 2005, residential address and communication address of the RTI applicant should be furnished. In the absence of bonafide communication address, this Public Information officer is not bound to furnish reply to you.

4. On the aspect above, a query was raised to Shri V K Pandey, CGM & CPIO, to show any statutory provision in support of his version as quoted above. On this, he referred the Government's instructions as contained in Office Memorandum no. 1/4/2009-IR dated 05.10.2009 issued by DoPT, which envisages as under:

*"There is no prescribed format of application for seeking information. The application can be made on plain paper. The application should, however, have the name and complete postal address of the applicant. Even in cases where the **information is sought electronically the application should contain name and postal address of the applicant.**"*

5. Further, it is to be seen that complainant failed to justify her plea regarding that she is not supposed to give the residential address as well as postal address in her RTI applications submitted to the respondents **electronically i.e. E-mail**. It is a natural assumption in the eyes of law that **residential as well as postal address is essential for the purpose of any communication to be made by the respondents** to the applicant.
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 her RTI application dated **10.04.2013**, respondent's response dated **08.05.2013**, other material made available on record including complainant's written submissions dated **27.08.2016**, respondent's written submissions dated **24.08.2016**, 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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