

# CENTRAL INFORMATION COMMISSION

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

File No. CIC/RM/C/2014/000525/KY

Petitioner : Shri Mukesh Kumar Choudhury  
Duplex No. 16, Part-B, Krishna Township  
D/h VUDA Flats, Nr. Yash Complex, Vadodra  
Gujarat-390021

Public Authority : The CPIO  
M/o. Commerce and Industry , O/o. the Controller of Import  
& Export, Udyog Bhavan, New Delhi-110107

Date of Hearing : 15.09.2016  
Date of Decision : 15.09.2016

## Presence:

Petitioner : Shri Mukesh Kumar Choudhury, **Heard Telephonically**  
CPIO : Shri Sanjay Kumar Tiwari, Dy. Director General & CPIO

## FACTS:

- I. Vide RTI application dated **08.03.2014**, the Petitioner sought information on **3 issues**.
- II. CPIO, vide its response dated **28.03.2014**, reportedly not provide the information to the Petitioner.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Petition filed on **14.05.2014**, are contained in the Memorandum of Petition.

## HEARING

Petitioner was heard telephonically (Phone No. 09426336045). Respondents 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 Shri Mukesh Kumar Choudhury 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 position above and in the circumstances of the case, 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. Therefore, instant composite petitions are hereby dismissed.

The Appeal is dismissed accordingly.

Sd/-  
(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

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M/o Commerce and Industry,  
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