

CENTRAL INFORMATION COMMISSION

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

File No. CIC/RM/C/2014/000564/KY

Complainant : Shri Kanwarjit Singh
27 Shankar Garden, Model Town
Jalandhar, Punjab

Public Authority : The CPIO
M/o. Commerce & Industry, O/o. Jt. Dte.
Gen. of Foreign Trade, The Mall, CBR Building, Amritsar,
Punjab-143001

Date of Hearing : 08.09.2016
Date of Decision : 08.09.2016

Presence:

Complainant : Absent
CPIO : Absent

FACTS:

- I. Vide RTI application dated **10.03.2014**, the appellant sought information on **2 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not n record.
- V. Grounds for the Complaint filed on **10.05.2014**, are contained in the Memorandum of Complaint.

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 **10.03.2014**, sought information from the respondents on **2 issues**. However, respondents **failed to furnish** any response to the appellant on his RTI application dated **10.03.2014**.

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 CPIO

M/o. Commerce & Industry,

O/o. Jt. Dte. Gen. of Foreign Trade,

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