

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/2014/000586/KY**

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

Public Authority : The Dy. Dte. Gen. of Foreign Trade & CPIO
Ministry of Commerce and Industry
O/o. the Directorate General of Foreign Trade, UdyogBhavan,
Maulana Azad Road, New Delhi-110011

Date of Hearing : 19.09.2016
Date of Decision : 19.09.2016

Presence:

Petitioner : Mr. Mukesh Kumar Choudhury
CPIO : Shri Sanjay Kumar Tiwari, Dy. DGFT & CPIO

FACTS:

- I. Vide RTI application dated **20.02.2014**, **01.03.2014**, **28.03.2014**, the Petitioner sought information on **5 issues**.
- II. CPIO, vide its response dated **12.03.2014**, **02.04.2014**, **07/09.04.2014**, **25.04.2014**, reportedly not provided the information to the Petitioner.
- III. The First Appeal (FA) was filed on **14.05.2014**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **18.08.2016**, directed to provide the required information to the petitioner.
- V. Incompliance of FAA's order, the CPIO vide his subsequent response dated **24.08.2016**, allegedly provided the required information to the petitioner
- VI. Grounds for the Petition filed on **13.05.2014**, are contained in the Memorandum of Petition.

HEARING

Petitioner as well as 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 Mr. 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 above, 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 outrightly**. Therefore, it is hereby dismissed.

The Petition is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

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