

# 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/SS/C/2013/000587/KY

Appellant : Shri Abhijit Kumar Palit  
862, Jessore Road Lake Town Complex  
Block-C, Flat-F, 3rd Floor, Kolkata-700055

Public Authority : The CPIO (RTI)  
Ministry of Textiles  
The Jute Corporation of India Ltd.  
15-N, Nellie Sengupta Sarani, Kolkata-700087

Date of Hearing : 08.09.2016  
Date of Decision : 08.09.2016

## Presence:

Appellant : Absent  
CPIO : Shri Abhijit Chakraborty, Chief of Personal Administration & CPIO

## FACTS:

- I. Vide RTI application dated **20.03.2013**, the appellant sought information on **2 issues**.
- II. CPIO, vide its response dated **26.07.2013**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **06.05.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **17.10.2013**, are contained in the Memorandum of Complaint.

## HEARING

**Appellant opted to be absent despite of our due notice to him.** Respondents appeared before the Commission personally and made the submissions at length.

## 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 **20.03.2013**, sought information from the respondents on **2 issues**. Respondents, vide their response dated **26.07.2013**, allegedly provided the required information to the appellant. Being

aggrieved by the aforesaid response, FA was filed by the appellant on **06.05.2013** 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.

3. The Commission posed a query to Shri Abhijit Chakraborty, Chief of Personal Administration & CPIO, as to whether first appeal dated **06.05.2013** filed by the appellant under **section 19(1) of the RTI Act 2005** before the Learned FAA was disposed of or still pending. On this very aspect, it is admitted by Shri Abhijit Chakraborty, Chief of Personal Administration & CPIO, that First Appeal filed by the appellant could not be disposed of by the learned FAA. However, he could not explain the reasons for non disposal of the First Appeal dated **06.05.2013**.
4. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **20.03.2013**, respondent's response dated **26.07.2013**, other material made available on record and also the grounds of memorandum of second appeal.
5. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on **06.05.2013**, **in accordance with the provisions of RTI Act 2005**, and after giving an opportunity to the appellant of being heard, **within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

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