

## 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/A/2011/000912/KY

Appellant : Shri Rajender Kumar  
Plot No. 179, H. No. 12-11-1595/12  
Lalitha Nagar, Jamai Osmania, Hyderabad-44

Public Authority : The CPIO  
M/o Corporate Affairs  
Serious Fraud Investigation Office  
Paryavaran Bhavan, 2nd Floor, CGO Complex,  
Lodhi Road, New Delhi-110003

Date of Hearing : 19.09.2016  
Date of Decision : 19.09.2016

### Presence:

Appellant : Absent  
CPIO : Shri Saud Ahmad, Jt. Dir and Shri Kundan Lal, Dy. Dir & CPIO

### FACTS:

- I. Vide RTI application dated **30.11.2010**, the appellant sought information on **4 issues**.
- II. CPIO, vide its response dated **28.12.2010**, has not provided the information to the appellant.
- III. The First Appeal (FA) was filed on **12.01.2011**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **17.02.2011**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **02.03.2011**, are contained in the Memorandum of Second Appeal.

### 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 to be seen here that as per the contents of appellant's Second Appeal dated **02.03.2011**, appellant has requested this Commission to give him an opportunity of being heard through Video Conference. Further, to meet the principles of natural justice, the Commission acceded to his request. However, when the Video Conference was connected for hearing, the Complainant **could not turn up attend the hearing** for the reasons best known to him. Apart from this, the captioned case is being **dealt with on merit** on the basis of documents attached herewith.

2. It would be seen here that the appellant, vide his RTI Application dated **30.11.2010**, sought information from the respondents on **4 issues**. Respondents, vide their response dated **28.12.2010**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **12.01.2011** before the FAA, who vide his order dated **17.02.2011**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.
3. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **30.11.2010** and respondent's response dated **28.12.2010**, it is revealed to the Commission that the respondents have provided the **vague & incorrect** information, which is **quite irrelevant** to the appellant.
4. Further, learned FAA, vide his order dated **17.02.2011**, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether the complete and categorical information has ever been provided to the appellant **on all issues or not**. As such, CPIO's response dated **28.12.2010** and Learned FAA's order dated **17.02.2011**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable**.
5. 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 **30.11.2010**, respondent's response dated **28.12.2010**, FAA's order dated **17.02.2011**, other material made available on record and also the grounds of memorandum of second appeal.
6. The Commission is of the considered view that the appellant has been **deprived** by the respondents **deliberately** from having the benefits of the RTI Act 2005, **even after lapse of more than five years period**. Thus, the respondents **have defeated the very purpose** of the RTI Act 2005 for which it was legislated by Parliament of India. As

such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.

7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, **issue-wise**, to the appellant as per his RTI application, **in accordance with the provisions of RTI Act 2005**, within 30 days from the date of receipt of this order under intimation to this Commission. **If need be, Section 5(4) of the RTI Act 2005 may also be invoked in the matter.**

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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M/o Corporate Affairs  
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