

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001124

Appellant : Shri Suraj Prakash
H. No. 220, Milk Colony
Dhanas, UT Chandigarh-160014

Public Authority : The SDE (Buildings) cum CPIO
Chandigarh Municipal Corporation
New Deluxe Building, Sec-17
UT Chandigarh

Date of Hearing : 05.09.2016
Date of Decision : 05.09.2016

Presence:

Appellant : Shri Suraj Prakash
CPIO : Shri Sunil Dutt, S.D.E. (Bldg.) & CPIO

FACTS:

- I. Vide RTI application dated **17.11.2015**, the appellant sought information on **5 issues**.
- II. CPIO, vide its response dated **20.11.2015**, **30.11.2015**, **04.02.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **29.12.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **08.01.2016**, directed CPIO to provide the information to the Appellant.
- V. Grounds for the Second Appeal filed on **NIL**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **17.11.2015**, sought information from the respondents on **5 issues**. Respondents, vide their response dated **20.11.2015**, **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action. Further, another CPIO vide his response dated **30.11.2015**, provided the required information, against issue no. 1 only, to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **29.12.2015**

before the FAA, who vide his order dated **08.01.2016**, directed CPIO to provide the information to the Appellant.

2. It is pertinent to mention here that incompliance of FAA's order dated 08.01.2016, the CPIO, vide his response dated **04.02.2016**, again reiterated his earlier response dated 30.11.2015. On being queried by the Commission to Shri Sunil Dutt, S.D.E. (Bldg.) & CPIO, as to whether respondents have provided the required information, against **issues no. 2 to 5**, to the appellant on his RTI application dated **17.11.2015**. On this very aspect, Shri Sunil Dutt, S.D.E. (Bldg.) & CPIO, seems to be not in a position to respond the query posed by the Commission but argued **illogically on irrelevant issues**.
3. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **17.11.2015**, respondent's response dated **20.11.2015, 30.11.2015 & 04.02.2016**, FAA's order dated **08.01.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 nine months 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 partly** i.e. against **issues no. 2 to 5**. Therefore, it is **allowed accordingly**.
5. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, against **issues no. 2 to 5**, 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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