

# 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/KY/A/2016/001137

Appellant : Shri Jai Bhagwan  
107, Vill&Post Office-NaharPur  
Sec-7, Rohini, Delhi-110085

Public Authority : The CPIO  
Ministry of Commerce and Industry  
Petroleum & Explosives Safety Organisation (PESO),  
North Circle, Hall No. 502 & 507, Level-5, Block-II,  
Old CGO Complex, NH-4, Faridabad-121001

Date of Hearing : 06.09.2016  
Date of Decision : 06.09.2016

## Presence:

Appellant : Shri Jai Bhagwan  
CPIO : Shri M Manohar, Dy. Chief Controller of Explosives & CPIO

## FACTS:

- I. Vide RTI application dated **06.01.2016**, the appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **29.01.2016**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **23.02.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **20.04.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **10.06.2016**, 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 **06.01.2016**, sought information from the respondents on **three issues**. Respondents, vide their response dated **29.01.2016**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **23.02.2016** before the FAA, who vide his order dated **20.04.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **06.01.2016** and respondent's response dated **29.01.2016**, it is revealed to the Commission that the respondents have provided the required information against **issues no. 1 & 3**. However, respondents have **denied** the required information to the appellant by stating that issue no. 2, raised by the appellant in his RTI application vague, as such, these issues do not fall within the four corners of **Section 2 (f) of the RTI Act 2005**.
3. However on careful perusal of the nature of issue no. 2 as raised by the appellant in his RTI application dated **06.01.2016**, the Commission feels that the issue is not vague in nature and this issue does fall within the four corners of **Section 2 (f) of the RTI Act 2005**.
4. Further, learned FAA, vide his order dated **20.04.2016**, 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 **29.01.2016** and Learned FAA's order dated **20.04.2016**, deserve to be **quashed and set aside** in respect of issue no. 2 only. Therefore, these are hereby quashed and set aside accordingly being **not legally tenable**.
5. 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 **06.01.2016**, respondent's response dated **29.01.2016**, FAA's order dated **20.04.2016**, 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 eight 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 **issue no. 2**. Therefore, it is **allowed accordingly**.
7. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, against **issue no. 2**, 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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