

# 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/2016/001160

Appellant : Shri Nitin Gupta  
SE-19, Opp. BT Block-56  
Shalimar Bagh, Delhi-110088

Public Authority : The PIO & Sr. R. O (RTI)  
DDA, Vikas Sadan, INA  
New Delhi-110023

Date of Hearing : 21.09.2016

Date of Decision : 21.09.2016

## Presence:

Appellant : Shri Nitin Gupta  
PIO : Shri Durganand Minz, Dy Director (Plg.) & PIO

## FACTS:

- I. Vide RTI application dated **10.03.2016**, (as per PIO reply) the Appellant sought information on **4 issues**.
- II. PIO, vide its response dated **11.03.2016**, forwarded RTI application to concern PIO.
- III. The First Appeal (FA) was filed on **12.04.2016**, (as per FA reply) as desired information not provided.
- IV. First Appellate Authority (FAA), order is not on record.
- 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 **10.03.2016**, sought information from the respondents on **4 issues**. Respondents, vide their response dated **11.03.2016**, allegedly **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action. Being aggrieved by the aforesaid response, FA was filed by the appellant on **12.04.2016** 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.

2. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **10.03.2016** and learned FAA has disposed of the first appeal dated **12.04.2016** filed by the appellant under **section 19(1) of the RTI Act 2005** or not. On this very aspect, Shri Durganand Minz, Dy Director (Plg.) & PIO seems to be not in a position to respond the query posed by the Commission but argued **illogically on irrelevant issues**. Thus it also shows that Shri Durganand Minz, Dy Director (Plg.) & PIO came here **without preparation** in the case.
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 **10.03.2016**, respondent's response dated **11.03.2016**, 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 six 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 it would be appropriate and even justified to allow the appellant's **second appeal in toto instead of remanding back to learned FAA for disposal of FA which is even more time consuming**. Therefore, it is allowed in toto.
5. 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

The PIO & Sr. R. O (RTI)  
DDA, Vikas Sadan, INA  
New Delhi-110023

Shri Nitin Gupta  
SE-19, Opp. BT Block-56  
Shalimar Bagh, Delhi-110088