

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/2016/001162

Appellant : Shri Brijesh Kumar Mishra
244/6C, Railway Officers Enclave
Panchkuian Road, New Delhi-110001

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 : Absent
PIO : Shri D K Gupta, Asst. Director & PIO

FACTS:

- I. Vide RTI application dated **30.03.2016** (as per CPIO reply) the Appellant sought information on **2 issues**.
- II. PIO, vide its response dated **01.04.2016**, allegedly not provided the required information to the appellant.
- III. The First Appeal (FA) was filed on **02.05.2016**, (as per FAO) as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **10.05.2016**, transferred to concern First Appellant Authority.
- V. Grounds for the Second Appeal filed on **16.06.2016**, 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

It would be seen here that the appellant, vide his RTI Application dated **30.03.2016**, sought information from the respondents on **2 issues**. Respondents, vide their response dated **01.04.2016**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **02.05.2016** before

the FAA, who has transferred the same to the concerned FAA. Hence, a Second Appeal before this Commission.

2. The Commission posed a query to Shri D K Gupta, Asst. Director & PIO, as to whether first appeal dated **02.05.2016** 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 D K Gupta, Asst. Director & PIO, 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 **02.05.2016**.
3. 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 **30.03.2016**, respondent's response dated **01.04.2016**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 **02.05.2016**, **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

The PIO & Sr. R. O (RTI)

DDA, Vikas Sadan, INA

New Delhi-110023

Shri Brijesh Kumar Mishra

244/6C, Railway Officers Enclave

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