

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/2016/001172

Appellant : Shri Chetan Potkar
S/o Dr. Sharma Chal
Civil line, Yavatmal-445001

Public Authority : The CPIO
CAG, O/O the Accountant General (Audit) II
Lekhapariksha Bhawan, P. B No- 220, Civil Line,
Nagpur, Maharashtra- 440001

Date of Hearing : 04.10.2016
Date of Decision : 04.10.2016

Presence:

Appellant : Shri Chetan Potkar and Shri Deepak R. Agrawal
CPIO : Shri Dinesh H. Mate, DAG & CPIO

FACTS:

- I. Vide RTI application dated **28.05.2015**, the Appellant sought information on **6 issues**.
- II. CPIO, vide its response dated **17.08.2015**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **08.09.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **05.10.2015**, upheld the decision of CPIO and denied to provide the information on point no D, E.
- V. Grounds for the Second Appeal filed on **11.07.2016**, 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 **28.05.2015**, sought information from the respondents on **6 issues**. Respondents, vide their response dated **17.08.2015**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **08.09.2015** before

the FAA, who vide his order dated **05.10.2015**, 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 **28.05.2015** and respondent's response dated **17.08.2015**, it is revealed to the Commission that the respondents have provided the required information against **issues no. (a), (b), (c), (e) & (f)**. However, respondents have provided the **vague & incorrect** information, against **issues no. (d)**, to the appellant. Further, it is also admitted by Shri Dinesh H. Mate, DAG & CPIO, that the required information, against **issues no. (d)**, has not been provided to the appellant. However, he failed give any plausible reason in this regard.
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 **28.05.2015**, respondent's response dated **17.08.2015**, FAA's order dated **05.10.2015**, 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 sixteen 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. (d)**. 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. (d)**, 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 CPIO

CAG, O/O the Accountant General (Audit) II
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