

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/2016/001196

Appellant : Shri Rohit Vats
C/o. Shri KrishanLal
House No. 100, Q-Block, New Roshanpura
Najafgarh, New Delhi-110043

Public Authority : The Executive Engineer (RTI) & CPIO
CPWD, Room No. 206, A-Wing,
Nirman Bhawan, New Delhi

The CPIO
CPWD, O/o. Executive Engineer
P-Division, P-Mandal, Andrews Ganj Colony,
New Delhi-110049

Date of Hearing : 03.10.2016

Date of Decision : 03.10.2016

Presence:

Appellant : Shri Rohit Vats
CPIO : Shri Chandresh Kumar, Asst Engineer & CPIO

FACTS:

- I. Vide RTI application dated **11.02.2016**, the Appellant sought information on **8 issues**.
- II. CPIO, vide its response dated **15.03.2016**, reportedly provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **11.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **23.06.2016**, 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 **11.02.2016**, sought information from the respondents on **8 issues**. Respondents, vide their response dated **26.04.2016**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **11.04.2016** 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. The Commission posed a query to Shri Chandresh Kumar, Asst Engineer & CPIO, as to whether first appeal dated **11.04.2016** 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 Chandresh Kumar, Asst Engineer & CPIO, 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 **11.04.2016**.
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 **11.02.2016**, respondent's response dated **26.04.2016**, 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 **11.04.2016**, **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**.
5. The appellant is further granted a **liberty** to move a second appeal, under **section 19(3) of the RTI Act 2005**, before this Commission, in case, he is not satisfied with the decision of the FAA on the FA.

With these observations, the appellant's second appeal is hereby disposed of.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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