

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Complaint No. CIC/BS/C/2016/000012

Complainant: M Jaya Krishnan,
2-82A, Thattanvilai,
North Soorankudy (P.O.),
Kanyakumari Distt.,
Tamilnadu-629501.

Respondent: Central Public Information Officer,
GM, BSNL, O/o G.M. of Telecom Distt.,
Nagercoil In,Kanyakumari Distt.-629001
Tamilnadu.

Date of Hearing: 19.04.2017

Dated of Decision: 19.04.2017

ORDER

Facts:

1. The complainant filed RTI application dated 03.07.2014 seeking information regarding unauthorized deduction of Rs. 30 from his cell phone as well as from the cell phones of other customers on account of the message dated 29.06.2014 viz. "Thank u for choosing BSNL Music Station at Rs. 30 for 30 days with 30 mins free. Dial 12630033 to enjoy ur favorable music or deactivate."
2. The CPIO response, first appeal and the FAA response are not on record. The complainant filed a complaint on 07.01.2016 before the Commission on the ground that information should be provided to him.

Hearing:

3. Both the parties participated in the hearing through video conferencing.
4. The complainant stated that the respondent has not provided him the sought for information. The complainant further stated that he has received the refund of Rs. 30 as deducted for the activation of the mobile radio service. But rule position for such a deduction has not been provided to him. He further stated that he has not been provided the proof of confirmation message for availing such service by him.

5. The respondent stated that there is no specific rule for this purpose. The deactivation of the mobile radio service is done at the private vendors' end as per the terms of the tender documents. Once the confirmation message is received by the vendor, Rs. 30 is automatically deducted from the subscriber's account. He further stated that the deduction took place way back in the year 2014 and the matter being an old case, the confirmation message is not available in their record.

6. The respondent also stated that the information sought by the complainant is in the form of grievance and does not attract the RTI Act.

Discussion/ observation:

7. This complaint is treated as appeal, as complainant has insisted on information to be provided.

8. The contention raised by the respondent in para 6 is overruled, as specific information has been sought.

9. The respondent should provide information relating to the rule position for deduction.

10. The respondent should provide the information on part II of the RTI query related to the no. of similarly situated customers whose accounts were debited by Rs. 30 for availing the aforesaid service as on 29.06.2014.

Decision:

11. The respondent is directed to take action as per paras 8, 9 and 10 above within 30 days from the date of receipt of this order.

12. The respondent is advised to device a full proof procedure in this regard so that customers are not subjected to illegal debits for such services.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar