

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/2016/001222

Appellant : Shri Ved Prakash Malhotra
House No. 2338/23-C, Chandigarh-160023

Public Authority : The CPIO
M/o Consumer Affairs,
Food Corporation of India
Head Quarters-16-20, Barakhamba Lane
New Delhi-110001

Date of Hearing : 30.09.2016

Date of Decision : 30.09.2016

Presence:

Appellant : Absent
CPIO : Shri Shekhar Arvind, DGM (RPI) & CPIO

FACTS:

- I. Vide RTI application dated **19.02.2016**, the Appellant sought information on **sole issue**.
- II. CPIO, vide its response dated **22.03.2016**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **02.04.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **04.05.2016**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **24.05.2016**, 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 **19.02.2016**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **22.03.2016**, allegedly denied the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **02.04.2016** before the FAA, who vide his order dated **04.05.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On being queried by the Commission, as to under what situations, the records were not available. The Commission also highlighted the particular four situations for non-availability of

the records i.e. (i) records are weeded out, (ii) records are lost in transit & (iii) records are lost in flood (iv) records are lost in fire. On this very aspect, Shri Shekhar Arvind, DGM (RPI) & CPIO, is not in position to give any **plausible reasons** in this regard , however, he **kept on arguing illogically on irrelevant issues**.

3. In view of the position above, the Commission feels that Shri Shekhar Arvind, DGM (RPI) & CPIO came here **without preparation** in the case. Therefore, the Commission **warned** him to come before the Commission with full preparation of the case to oppose their cases, on behalf of respondents in future, otherwise Commission would be **left with no option but to ban his appearance** before the Commission.
4. Further, learned FAA, vide his order dated **04.05.2016**, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether the complete and categorical information has ever been provided to the appellant **on all issues or not**. As such, CPIO's response dated 22.03.2016 and Learned FAA's order dated **04.05.2016**, deserve to be **quashed and set aside**. Therefore, these are hereby quashed and set aside being **not legally tenable..**
5. 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 **19.02.2016**, respondent's response dated **22.03.2016**, FAA's order dated **04.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
6. 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 eight 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 in toto. Therefore, it is **allowed in toto**.
7. 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

1. Shri Abhishek Singh
Executive Director, (Engg/IT/ Silo)
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2. The CPIO
M/o Consumer Affairs,
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3. Shri Ved Prakash Malhotra
House No. 2338/23-C, Chandigarh-160023

