

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

Appeal No.CIC/BS/A/2016/001244

Appellant: Shri P K Tiwari,

Respondent: Central Public Information Officer
Dy. GM(A&P),
BSNL,
O/o. GMTD,
Patel Nagar,
Dehradun-248001,
Uttarakhand

Date of Hearing: 12.07.2017

Dated of Decision: 12.07.2017

ORDER

Facts:

1. The appellant filed RTI application dated 15.01.2016 seeking information on 4 points viz: how does BSNL charge the customer during the period when no service is provided; time frame for providing Broad Band connection to his residence through OFC etc.
2. The CPIO responded on 20.02.2016. The appellant filed First Appeal dated 14.03.2016 with First Appellate Authority (FAA). The response of FAA not on record. The appellant filed second appeal on 03.05.2016 before the Commission on the ground that information should be provided to him.

Hearing:

3. The appellant and respondent Shri T.K. Sharma participated in the hearing through video conferencing.
4. The appellant stated that BSNL has been charging Rs. 650/month. for broadband connection. The appellant stated that BSNL cannot charge the customer for the periods when the service is not available. The appellant stated that he is not satisfied with the reply of the respondent.
5. The respondent stated that there is a provision for granting rebate for non-service period as per the request of the subscriber in writing.

6. The appellant stated that rebate was given to him for the month of April, 2016 but no rebate was given for the month of May, 2016.

7. The appellant stated that an underground cable is passing through his house/colony, but till today, telephone and broadband is not connected with it. The appellant said that respondent has given misleading reply that no underground cable is passing through his house.

8. The appellant stated that respondent has not given the time frame for providing broadband connection through OFC. The appellant said that the scarcity of OFC cable does not mean that the connection is technically not feasible. The appellant said that he is not satisfied with the respondent's reply.

Discussion/Observation:

9. The respondent should give factual position on paras 7 and 8 within 15 days of receipt of this order.

Decision:

10. The Dy. Registrar is directed to fix another hearing after 15 days.

11. CMD, BSNL is advised to consider a mechanism giving rebate to the subscriber automatically for periods that the service is not available. Each subscriber cannot be expected/required to submit a request in the matter.

Copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-

(S.C. Sharma)
Dy. Registrar

Copy to: CMD, - w.r.t. para 11 above.
Bharat Sanchar Nigam Ltd.
Opp Janpath Hotel,
Bhawan Harish Chand Mathur Lane,
Connaught Place, New Delhi- 110001.

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/BS/A/2016/001244

Adjunct Order dated 09.08.2017

Facts:

1. The matter was earlier heard on 18.07.2017. The matter is listed today for compliance.

Hearing:

2. The appellant and the respondent did not participate in the hearing.

Discussion/ observation:

3. The respondent has given the information and it is on record.

Decision:

4. The respondent is directed to show cause why action should not be taken for contravening the provisions of the RTI Act including not attending this hearing, within 15 days of receipt of this order.
5. Dy. Registrar is directed to relist the matter after 15 days of this order

Copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-

(S.C. Sharma)

Dy. Registrar

Adjunct Order dated 18.09.2017

Facts:

1. The matter was earlier heard on 09.08.2017. The matter is listed today for compliance.

Hearing:

2. The appellant and the respondent Shri R. Rastogi, Dy. General Manager participated in the hearing through video conferencing. The respondent Ms. S. Datta, AGM(RTI) and Shri Ramesh Jain, DM participated in the hearing personally.

3. The appellant stated that he does not agree with the respondent's response that no underground cable is passing through his house. The appellant further stated that from his house, the main junction box of BSNL is located on the main road at a distance of about 250 mtrs. Till now, there has not been any digging for laying of sewage line on the road connecting his residence to the main road. The new water line was laid only two months back. The underground cable is passing through his house and DP box is fixed at his gate.

4. The appellant stated that BSNL is providing broad band service through OFC at many other places. The appellant wanted to know when will the broadband connection through OFC be provided to him.

5. The appellant stated that BSNL cannot charge the customer for the periods when the service is not available.

6. The respondent stated underground cable is very old and was damaged during the laying of sewage line, laying of waterline and construction of road. The cable is faulty. Therefore, no connection can be provided from this cable.

7. The respondent stated that they will provide the connection through OFC, if there are sufficient number of applicants.

8. The respondent stated that that there is a provision for granting rebate after receiving the complaint from the customer for non-service of broadband connection.

9. The appellant stated that he has filed number of complaints for non-service of broadband connection, but he has not received the rebate.

10. The respondent stated that they will check the record and provide rebate to the appellant, if any, as per rules, within 20 days.

11. The respondent stated that they will check the technical feasibility with regard to installation of OFC connection within 20 days.

Discussion/Observation:

12. The respondent should take action as per paras 10 and 11.

Decision:

13. The respondent is directed to take action as per para 12.

14. The Dy. Registrar is directed to fix a hearing in the matter after 20 days.
15. 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