

# CENTRAL INFORMATION COMMISSION

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

File No. CIC/KY/A/2016/001271

Appellant : Mr. M.Y. Patil  
11, Gautam Apt., Tagore Road  
Santacruz (W), Mumbai-400054

Public Authority : The Dy. Registrar & CPIO  
National Consumer Disputes Redressal Commission, Upbhokta Nyay  
Bhawan F-Block, GPO Complex, INA, New Delhi-110023

Date of Hearing : 27.09.2016

Date of Decision : 27.09.2016

## Presence:

Appellant : Absent  
CPIO : Shri H C Joshi, Assistant Registrar & CPIO

## FACTS:

- I. Vide RTI application dated **05.12.2015**, the Appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **19.01.2016**, has not provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **27.01.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **24.02.2016**, upheld the decision of CPIO and allowed for the inspection.
- V. Grounds for the Second Appeal filed on **26.05.2016**, 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 **05.12.2015**, sought information from the respondents on **3 issues**. Respondents, vide their response dated **19.01.2016**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **27.01.2016** before the FAA, who vide his order dated **24.02.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On being queried by the Commission, as to whether respondents have provided the required information to the appellant on his RTI application dated **05.12.2015**. On this very aspect, Shri

H C Joshi, Assistant Registrar & CPIO, seems to be not in a position to respond the query posed by the Commission but argued **illogically on irrelevant issues**. Thus it also shows that Shri H C Joshi, Assistant Registrar & CPIO, came here **without preparation** in the case.

3. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **05.12.2015** and respondent's response dated **19.01.2016**, it is revealed to the Commission that the respondents have not provided the required information to the appellant.
4. Further, learned FAA, vide his order dated **24.02.2016**, 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 **19.01.2016** and Learned FAA's order dated **24.02.2016**, 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 **05.12.2015**, respondent's response dated **19.01.2016**, FAA's order dated **24.02.2016**, 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 nine 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

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