

# 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/2016/001274

Appellant : CMA Nilesh Bhaskar Kekan  
Survey No. 70, Room No. 773  
Bh. Ganesh Park, Santosh Nagar  
Katraj, Pune-411046

Public Authority : The CPIO  
The ICAI, CMA Bhawan, 12 Sudder Street,  
Kolkata-700016

Date of Hearing : 27.09.2016

Date of Decision : 27.09.2016

## Presence:

Appellant : Absent  
CPIO : Shri Prajato Mukherjee, PIO

## FACTS:

- I. Vide RTI application dated **10.03.2016**, the Appellant sought information on **7 issues**.
- II. CPIO, vide its response dated **26.04.2016**, has provided the information to the Appellant.
- III. The First Appeal (FA) was filed on **14.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **01.08.2016**, 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 **10.03.2016**, sought information from the respondents on **7 issues**. Respondents, vide their response dated **26.04.2016**, provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **14.05.2016** 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 Prajato Mukherjee, PIO, as to whether first appeal dated **14.05.2016** 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 Prajato Mukherjee, PIO, 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 **14.05.2016**.
3. 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 **10.03.2016**, 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 **14.05.2016**, **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

The CPIO

The ICAI, CMA Bhawan, 12 Sudder Street,

Kolkata-700016

CMA Nilesh Bhaskar Kekan

Survey No. 70, Room No. 773

Bh. Ganesh Park, Santosh Nagar

Katraj, Pune-411046