

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/2016/001280

Appellant : Shri Craig Nicholas Janong Sooting
S/o. M W Kyndiah, Dong Sharum, Jingtongum
Hyntai Road, Umpling, Shillong-793006

Public Authority : The Area Manager & CPIO
M/o Consumer Affairs, FCI, Distt. Office Agartala,
Indira Nagar Agartal, Tripura-799006

The AGM (Bills) & CPIO
FCI, 16-20 Barakhamba Lane, New Delhi-110001

Date of Hearing : 04.10.2016

Date of Decision : 04.10.2016

Presence:

Appellant : Shri Craig Nicholas Janong Sooting, **Heard Telephonically**
CPIO : Shri Ayush Sharma, Learned Advocate

FACTS:

- I. Vide RTI application dated **09.12.2015**, (as per CPIO reply) the Appellant sought information on **3 issues**.
- II. CPIO, vide its response dated **25.01.2016**, denied the information u/s 8 (1) (j)
- III. The First Appeal (FA) was filed on **25.01.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Second Appeal filed on **15.07.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant was heard telephonically (Phone No. 09401991533). 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 **09.12.2015**, sought information from the respondents on **three issues**. Respondents, vide their response dated **25.01.2016**, allegedly provided the required information, against issues no. 1, 2 & 4, to the appellant. Further, against issue no. 5, denied the required information to the appellant by taking a plea under **section 8(1) (j) of the RTI Act 2005**. However,

against issue no. 3, **not provided** the required information by stating that information, as sought for, is **not traceable**. Being aggrieved by the aforesaid response, FA was filed by the appellant on **25.01.2016** before the FAA, who **could not take up** the same for its disposal **for the reasons best known to him**.

2. The Commission posed a query to Shri Ayush Sharma, Learned Advocate, as to whether first appeal dated **25.01.2016** 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 Ayush Sharma, Learned Advocate, 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 **25.01.2016**.
3. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **09.12.2015**, respondent's response dated **25.01.2016**, 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 **25.01.2016**, **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 Area Manager & CPIO

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