

# 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/2016/001282

Appellant : Shri Ranjit Thakur  
S/o. Late Bhawani Thakur  
DurgaSah Lane, Champanagar, Nathanagar  
Bhagalpur, Bihar-812004

Public Authority : The CPIO  
M/o. Corporate Affairs, O/o. the ROC (WB)  
Nizam Place, 2nd MSO Building, 2nd Floor, 234/4,  
Acharya Jagadish Chandra Bose Road, Kokata-700020

Date of Hearing : 06.10.2016  
Date of Decision : 06.10.2016

## Presence:

Appellant : Absent  
CPIO : Absent

## FACTS:

- I. Vide RTI application dated **06.04.2016**, the Appellant sought information on **4 issues**.
- II. CPIO, vide its response dated **13.05.2016 & 02.06.2016**, has provided the part information to the Appellant.
- III. The First Appeal (FA) was filed on **20.05.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **NIL**, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on **29.07.2016**, are contained in the Memorandum of Second Appeal.

## HEARING

**Appellant as well as respondent opted to be absent despite of our due notice to them.**

## **DECISION**

It would be seen here that the appellant, vide his RTI Application dated **06.04.2016**, sought information from the respondents on **4 issues**. Respondents, vide their response dated **13.05.2016 & 02.06.2016**, allegedly provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **20.05.2016** before the FAA, who vide his order dated **NIL**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. On careful perusal of the nature of issues as raised by the appellant in his RTI application dated **06.04.2016** and respondent's response dated **13.05.2016 & 02.06.2016**, it is revealed to the Commission that the respondents have provided the required information against **issue no. 1 only**. However, against **issues no. 2, 3**, requested the appellant to have the inspection of the relevant records and pin point the required documents of which the photocopies are needed. Further, against issue no. 4, **denied** the required information to the appellant by stating that information, as sought for, is not available.
3. It is worth to mention here that there are particular 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. However, respondents failed to mention any of these situations for non-availability of the records, against issue no. 4 of appellant's RTI application dated 06.04.2016.
4. Furthermore, It is stated here that as per **Section 2(j)(i) of the RTI Act 2005**, the right of inspection of relevant record vested with the appellant and not with the respondents. As such, if the respondents have been insisting of any applicant to have the inspection of the relevant record that is **not legally tenable**. However, it is having a legal force in **vice-versa situation**.
5. Further, in the present case, appellant has not requested the respondents for allowing him the inspection of the records, against issues no. 2 & 3. Thus, the respondents are under legal obligation to provide the required information, against issues no. 2 & 3, to the appellant on his RTI application dated 06.04.2016.
6. The Commissioner **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **06.04.2016**, respondent's response dated **13.05.2016 & 02.06.2016**, FAA's order dated **nil**, other material made available on record and also the grounds of memorandum of second appeal.
7. 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 six 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 partly** i.e. against **issues no. 2, 3 & 4.** Therefore, it is **allowed accordingly.**

8. In view of the above, the respondents are hereby directed to provide the **complete & categorical** information, against **issues no. 2, 3 & 4,** 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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