

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SH/C/2015/000182/KY

Complainant : Shri Rohit Jain
Advocate Rajani, Singhanian & Partners,
Advocates & Solicitors P-24.
Green Park, Extension, New Delhi-110016

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New Delhi-110016

Public Authority : The CPIO
M/o Youth Affairs and Sports
All India Tennis Association,
R K Khanna Tennis Stadium,
Africa Avenue New Delhi-110029

Date of Hearing : 08.09.2016

Date of Decision : 09.09.2016

Presence:

Complainant : Shri Rohit Jain, Learned Advocate
CPIO : Shri Surinder Goel, Learned Advocate

FACTS:

- I. Vide RTI applications dated **27.06.2013, 11.09.2013, 18.10.2013, 14.01.2014, 18.03.2014 & 14.08.2014**, the Complainant sought information on the issues.
- II. Respondents vide their responses dated **04.10.2013, 13.11.2013, 22.01.2014, 02.04.2014, 01.07.2014 & 16.09.2014**, has provided the information to the Complainant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Complaint filed on **16.04.2015**, are contained in the Memorandum of Complaint.

HEARING

Complainant as well as respondent appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the Complainant, vide his RTI Application dated **27.06.2013**, sought information from the PIO, Delhi Lawn Tennis Association (DLTA), on four issues, which reads as under:

- A) Under what terms was Ozone Gym and Spa given a place in the premise of Delhi Lawn Tennis Association?
 - B) What are the terms of revenue sharing arrangement between ozone Gym and Spa and Delhi Lawn Tennis Association?
 - C) What is the permissible schedule of charges for getting a membership at the Ozone Gym and Spa?
 - D) Is Ozone Gym and Spa allowed to collect cheques in favour of both Ozone Gym and Spa and Delhi Lawn Tennis Association, for granting membership to a prospective member?
2. It is pertinent to mention here that Shri V K Batra Hon. Secretary (Admin.) DLTA, vide his response dated **25.07.2013 (sent through Email)**, informed the Complainant as under:
- “With reference to the above kindly be informed that RTI Act is not applicable to Delhi Lawn Tennis Association (DLTA). We are therefore unable to comply with your request for the desired information.”
3. Being aggrieved with this response, the Complainant has filed various RTI applications **11.09.2013, 18.10.2013, 14.01.2014, 18.03.2014 & 14.08.2014** to different Ministries/Departments of Government of India. Further, respondents vide their various responses dated **04.10.2013, 13.11.2013, 22.01.2014, 02.04.2014, 01.07.2014 & 16.09.2014**, allegedly not provided the required information to the Complainant. Hence, **a petition, under section 18(1) of the RTI Act 2005, before this Commission.**
4. For the purpose of clarity, it would be appropriate to quote the Prayer/Relief sought by the Complainant vide his petition dated **16.04.2015**, filed **under section 18(1) of the RTI Act 2005**, which reads as under:
- I. The Complainant is given an opportunity of being heard: and/or
 - II. Declare Respondent as a “Public Authority” under the Right to Information Act 2005; and/or
 - III. Pass clear instructions to the Respondent to appoint Public Information Officers under the Right to Information Act 2005; and/or

IV. Pass any other orders as the Commission may deem fit.

5. In view of the above, it is amply clear that **no relief** has been sought by the Complainant **under Section 20(1) or 20(2) of the RTI Act 2005** i.e. penal action or disciplinary proceedings against the erring CPIO. In other words, for a complaint filed under section 18(1) of the RTI Act 2005, the reliefs are to be provided under Sub Clause (1) & Sub Clause (2) of Section 20 of the RTI Act 2005. The Complainant, however, failed to seek **any of such relief from the Commission**. Further, the petition does seek a relief i.e. to declare Delhi Lawn Tennis Association (DLTA) as Public Authority under section 2(h) of the RTI Act 2005 & pass clear instruction to DLTA to appoint PIO and FAA in the matter. Thus, **it is a quite different relief** as sought for by the Complainant in the case.
6. As highlighted above, the two main issues cropped up (for our consideration) which are as under:
 - a. The issue, namely, to declare DLTA as a public authority is not only important but a sensitive one & it has also **far reaching repercussions**. Thus, it needs to be decided by the **larger bench of this Commission**.
 - b. Further, the maintainability of the instant Complaint filed under section 18 (1) of the RTI 2005 for such relief which dehors section 20 of the RTI Act 2005.

In view of the position above and in the circumstances of the case, it seems to be justified that the matter may be referred to a **Larger Bench**. As such, the instant case is hereby submitted before Hon. Chief Information Commissioner for constitution of a Larger Bench for its deliberation and its decision on the issues referred to above.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

M/o Youth Affairs and Sports

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