

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/CC/A/2015/004324/SB**

**Dated 10.10.2016**

**Appellant** : Shri Rednam Deepak,  
Vijay Rama Residency,  
Flat No.302, Narasimha Nagar,  
Visakhapatnam, A.P.-530 024.

**Respondent** : Central Public Information Officer,  
Central Vigilance Commission,  
Satarkta Bhawan, GPO Complex,  
Block A, INA, New Delhi-110023.

**Date of Hearing** : 30.09.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 05.02.2015

CPIO's reply : 10.03.2015

First appeal filed on : 23.03.2015

FAA's order : 27.04.2015

Second appeal filed on : 15.05.2015

**ORDER**

**1.** Shri Rednam Deepak filed an application dated 05.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Vigilance Commission (CVC) seeking information on ten points pertaining to certified copies of reply/advice/office memorandum issued by CVC regarding irregularities in the allotment of Port Trust land etc. and

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Second Stage Advice sent to the Ministry of Shipping and Paradeep Port Trust (PPT).

**2.** The appellant filed a second appeal dated 19.04.2015 before the Commission on the ground that he is not satisfied with the reply given by CPIO because the reply is not to the point and is evasive under the RTI Act. The appellant requested the Commission to direct the respondent to provide authenticated true certified copies of related documents as per the RTI application dated 05.02.2015.

**Hearing:**

**3.** The appellant Shri Rednam Deepak attended the hearing through video conferencing. The respondent Shri P. Sarkar, Section Officer, CVC was present in person.

**4.** The appellant submitted that information on point nos. 1, 2, 8 and 10 of his RTI application has not been provided to him by the respondent on the grounds that the case has not reached a logical conclusion and hence, the disclosure of the information sought is exempted under Section 8(1)(h) of the RTI Act. The appellant further submitted that the High Court of Delhi in WP 3114/2007- Bhagat Singh Vs CIC have held that mere existence of an investigation process cannot be a ground for refusal of information rather, the respondent has to show how the disclosure of information would hamper the investigation.

**5.** The respondent submitted that pointwise information was provided to the appellant vide letter dated 10.03.2015. The respondent further submitted that since the case had not reached its logical conclusion information sought on point nos. 1, 2, 8 and 10 of the RTI application was denied under Section 8(1)(h) of the RTI Act. The respondent also stated that the information sought related to a third party and no public interest would have been served by the disclosure of information. The respondent further submitted that the FAA vide

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order dated 27.04.2015 had observed that the information sought by the appellant in point nos. 1, 2, 8 and 10 of the RTI application relate to a case which is under investigation. In such cases, where the investigation is not complete, i.e., the cases are not taken to their logical conclusion, the disclosure of information is exempt as upheld by the CIC in case no. CIC/AT/A/2008/01500 in the case of Shri N Saini Vs LIC of India wherein it was held that “there is also public interest in keeping the proceedings of inquiry against public servant confidential as any premature disclosure of the contents of such inquiry and compromise its objectivity as well as integrity. Hence, information was denied to the appellant under Section 8(1)(h) of the RTI Act.

**Decision:**

6. The Commission, after hearing submissions of both the parties and perusing the records, finds no grounds to interfere with the FAA’s order dated 27.04.2015.
7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**