

**Central Information Commission, New Delhi**  
**File No. CIC/SH/C/2016/000046**  
**Right to Information Act-2005-Under Section (18)**

**Date of hearing** : 21<sup>st</sup> February 2017

**Date of decision** : 21<sup>st</sup> February 2017

**Name of the Complainant** : SHRI S K BHARADWAJ  
A-2/10, RANA PRATAP BAGH,  
DELHI-110007

**Name of the Public Authority/Respondent** : CENTRAL PUBLIC INFORMATION OFFICER,  
HINDUSTAN PETROLEUM CORPORATION  
LIMITED  
BHOPAL REGIONAL OFFICE,  
GAUTAM NAGAR, POST BOX NO.-705,  
GOVINDPURA, BHOPAL, M. P.-462 023

**RTI Application filed on** : 18/06/2015

**CPIO replied on** : 07/08/2015

**First Appeal filed on** : —

**First Appellate Authority order on** : —

**Complaint received on** : 17/12/2015

The Complainant was present in person.

On behalf of the Respondents, Shri Milind Alti, Deputy Manager was present at the NIC Studio, Bhopal.

**Information Commissioner** : Shri Sharat Sabharwal

**Information sought**

1. Certified copies of the decisions taken by Hindustan Petroleum Corporation Limited and its all officers regarding the land situated at Agra Bombay Road, Shivpuri, M.P. "land for which information was sought since 2000"

2. Certified copies of physical inspections and their reports conducted by Hindustan Petroleum Corporation Limited and all its officers of the “land for which information was sought since 1995”
3. Copies of approved and unapproved maps and layout plans prepared by Hindustan Petroleum Corporation Limited and its all officers from time to time since 1967 of the “land for which information was sought” for submitting the said maps and layouts to Controller of Explosives, Bhopal, Administrative and police Authorities at Shivpuri etc.
4. Certified copies of all adverse and all other notings of Hindustan Petroleum Corporation Limited and its all officers regarding the “land for which information was sought since 1985”

#### **The CPIO reply**

The CPIO gave a point wise reply and denied the information on point No. 2, stating that no inspection report pertaining to the land in question was available on the records of the Respondents.

#### **Grounds of complaint to the Commission**

Delayed response of the CPIO and also not satisfied with the reply given by the CPIO.

#### **Relevant facts emerging during the Hearing, Discussion and Decision**

The Complainant stated that his RTI application dated 18.6.2015 was responded to by the CPIO on 14.11.2015 and through some subsequent e-mail messages. However, the complete information sought by him has not been provided in response

to any of the four points of the RTI application. He prayed for direction to the Respondents to provide the complete information sought by him. The Respondents stated that the available information was provided to the Appellant.

2. We have considered the submissions of both the parties and note that since the matter before us is a complaint registered under Section 18 of the RTI Act, we are not in a position to give a direction to the Respondents to provide any information in view of the following observations of the High Court of Delhi in its judgment dated 28.10.2013 in J. K. Mittal vs. CIC & Anr. [W.P. (C) No. 6755 of 2012]:-

*“5. In view of the above referred authoritative pronouncement of the Apex Court, there can be no dispute that while considering a complaint made under [Section 18](#) of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a Second Appeal in terms of Sub-section (3) of [Section 19](#) is preferred before the Commissioner.”*

3. In the light of the foregoing and since the Complainant wants complete information to be provided to him, he may in the first instance file an appeal to the First Appellate Authority, pointing out the specific shortcomings in the information provided to him. In the event of his doing so, the FAA is directed to dispose of his appeal strictly in keeping with the provisions of and within the time-frame laid down in the RTI Act. The Complainant shall be at liberty to approach the Commission again in an appeal under Section 19 of the RTI Act, in case he is not satisfied with the

decision of the FAA or the FAA fails to give a decision within the stipulated time-frame. The name and address of the FAA given by the Respondents is as follows:-

Shri G. V. S. Prasad,  
Executive Director,  
Hindustan Petroleum Corporation Ltd.,  
4<sup>th</sup> Floor, 8, S.V. Marg, Ballard Estate,  
Mumbai 400 001

4. With the above observations, the complaint is disposed of.
5. Copies of this order be given free of cost to the parties.

Sd/-  
**(Sharat Sabharwal)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**  
**Deputy Registrar**