

CENTRAL INFORMATION COMMISSION

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

File No. CIC/SS/A/2012/000457/KY

Appellant : Shri Saurav Mendiratta
KG-III/70, 1st Floor, Vikaspuri
New Delhi-110018

Public Authority : 1. The CPIO
M/o Food Processing Industries
Panchsheel Bhawan, August Kranti Marg, New Delhi-110049

2. The Dy. Director, (NR)
Food Safety and Standards Authority of India, 1st Floor, NBCC
Palace, Bhasham Pitamah Marg, Pragati Vihar, New Delhi-110003

3. The CPIO
Agricultural & Processed Food Products Export Development
Authority, NCUI Building, 3 Siri Institutional Area, August Kranti
Marg, New Delhi-110016

Date of Hearing : 02.09.2016
Date of Decision : 02.09.2016

Presence:

Appellant : Absent
CPIO : Shri Saswati Bose, CPIO, Shri Man Prakash Vijay, APIO,
Shri Anil Mehta, Dy. Director, Shri B S Acharya, Dy. Director and
Shri Krishna Murari, SIO

FACTS:

- I. Vide RTI application dated **01.09.2011**, the appellant sought information on **7 issues**.
- II. CPIO, vide its response dated **03.09.2011 & 12.10.2011**, reportedly not provided the information to the Appellant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.

V. Grounds for the Second Appeal filed on **21.10.2011**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant opted to be absent despite of our due notice to him. 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 **01.09.2011**, sought information from the respondents on **7 issues**. Respondents, vide their response dated **03.09.2011 & 12.10.2011**, **transferred** the appellant's RTI application from one to another sister branch of the respondents for taking necessary action. Being aggrieved by the aforesaid response, a appellant has filed his Second Appeal dated 21.10.2011 before this Commission.

2. During hearing of the appeal, the Commission posed a query to the respondents, as to who is concerned with the case in hand, in the real sense. On this very aspect, it is submitted by Shri Saswati Bose, CPIO, Shri Man Prakash Vijay, APIO, Shri Anil Mehta, Dy. Director, Shri B S Acharya, Dy. Director and Shri Krishna Murari, SIO, that **they are not concerned with the instant case**. At this, it is not known to the Commission, as to why these officers came before this Commission and for what purpose, if they are not concerned, at all, in the matter.
3. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **01.09.2011**, respondent's response dated **03.09.2011 & 12.10.2011**, other material made available on record and also the grounds of memorandum of second appeal.
4. 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 more than five years period**. Thus, the respondents **have mercilessly killed the very object** of the RTI Act 2005 for which it was legislated by the August Parliament of India. It is also admitted fact that, **as on date**, respondents failed to provide the required information to the appellant. As such, the Commission feels that appellant's second appeal deserves to be allowed in toto. Therefore, it is **allowed in toto**.
5. In view of the above, the respondent (The CPIO, M/o Food Processing Industries) is hereby directed to provide the **complete & categorical** information, **issue-wise**, 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

Sh. Avinash K. Srivastava

Secretary, (Ministry of Food Processing Industries)

Room No. 201

Panchsheel Bhawan, August Kranti Marg

Khelgaon, New Delhi-110049

{For information and necessary action.}

The CPIO

M/o Food Processing Industries

Panchsheel Bhawan, August Kranti Marg, New Delhi-110049

The Dy. Director, (NR)

Food Safety and Standards Authority of India,

1st Floor, NBCC Palace, Bhisham Pitamah Marg,

Pragati Vihar, New Delhi-110003

The CPIO

Agricultural & Processed Food Products

Export Development Authority, NCUI Building,

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Shri Saurav Mendiratta

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