

**CENTRAL INFORMATION COMMISSION**  
**2nd Floor, 'B' Wing, August Kranti Bhawan,**  
**Bhikaji Cama Place, New Delhi -110066**  
**Tel : +91-11-26186535**

**Appeal No. CIC/BS/A/2016/000468**

Appellant: Sh. R Balasubramanian,  
Plot No-81,  
Ishawarya Street,  
Sheela Nagar,  
Madipakkan,  
Chennai-600091.

Respondent: Central Public Information Officer,  
GM (HR/A) BSNL,  
O/o. The Chief General Manager,  
Chennai Telephones 78,  
Purasavakkam High Road,  
Chennai-600010.

Date of Hearing: 18.07.2017

Dated of Decision: 18.07.2017

**ORDER**

**Facts:**

1. The appellant filed RTI application dated 03.07.2015 seeking information regarding “details of all emails (sent/received) and documents (data) used by him for the month of March 2015 from phone no. 22580728”.
2. The CPIO responded on 11.08.2015. The appellant filed first appeal dated 10.09.2015 with First Appellate Authority (FAA). The FAA responded on 29.10.2015. The appellant filed second appeal on 07.01.2016 before the Commission on the ground that the information should be provided to him and to impose penalty on the respondent.

**Hearing:**

3. The appellant participated in the hearing through VC and was represented by his wife. The respondent Sh. Ramaswamy, Divisional Engineer participated in the hearing through VC.

4. The appellant referred to his RTI application dated 03.07.2015 and stated that no information was furnished to him by the respondent or by CPIO, Broadband Networks Circle, New Delhi, to whom this application was transferred.

5. The appellant stated that in March, 2015, the data usage on his broadband connection was much more than earlier usage, even though the family was out of town for 20 days. It seems that someone else had used their broadband services.

6. The appellant stated that the respondent has denied the information by giving false and misleading statements.

7. The respondent stated that vide their letter No. PIO/CHTD/RTI/RB/2015-2016/10 dated 11.08.2015, they have informed the appellant that the information sought by him is available with BSNL Messaging Team, Noida which comes under Broadband Network Circle, Head Quarters, New Delhi, therefore, they have transferred the RTI application of the appellant to the DGM/CPIO, Broadband Networks Circle BSNL CTS Compound, New Delhi for appropriate action in the matter.

8. The appellant stated that a reply dated 27.08.2015 was given to him by DGM/CPIO, Broadband Networks Circle BSNL CTS Compound, New Delhi. However, no relevant information was provided by them.

**Discussion/ observation:**

9. The Commission is of the view that the CPIO, Broadband Networks Circle BSNL CTS Compound, New Delhi should give reply/information to the appellant on his RTI application dated 03.07.2015, inter alia covering the appellant's concern.

**Decision:**

10. The CPIO, Broadband Networks Circle BSNL CTS Compound, New Delhi is directed to comply with para no. 9 above, within 15 days from the date of receipt of this order.

11. The Deputy Registrar is directed to fix a hearing in the matter after 15 days. Fresh notice be issued to the appellant and CPIO, Broadband Networks Circle BSNL CTS Compound, New Delhi.

Copy of the order be given to the parties free of cost.

**Sd/-**

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

**Authenticated true copy**

**Sd/-**

**(S.C. Sharma)**

**Dy. Registrar**

**Copy to:**

DGM (Admn.)/CPIO  
Broadband Networks Circle BSNL CTS Compound,  
Netaji Nagar,  
New Delhi-110023

CENTRAL INFORMATION COMMISSION

**Appeal No. CIC/BS/A/2016/000468**

**Adjunct Order dated 09.08.2017**

**Facts:**

1. The matter was earlier heard on 18.07.2017. The matter is listed today for compliance.

**Hearing:**

2. The appellant participated in the hearing through video conferencing. The respondent participated in the hearing in person.
3. The appellant stated that the sought for information has not been provided to him though it is available with the respondent.
4. The respondent stated that the appellant has been replied to vide letter dated 27.08.2015 and 29.10.2015. The respondent stated that again in compliance of the Commission's decision dated 18.07.2017; the appellant has been replied to vide order dated 31.07.2017. The respondent stated that email id for which the details of all emails (sent & received) were sought was not mentioned in the RTI application. The respondent stated that sending & receiving of emails are done by customer himself/herself. These emails can be retrieved by the user himself. The respondent stated that the data as available in their server cannot be given as, they are not authorised to retrieve the email of the customers. On query from the Commission, the respondent stated that on request of the security agencies, they can look at/retrieve the data.

**Discussion/ observation:**

5. The Commission is satisfied with the reply and explanation of the respondent.

**Decision:**

6. No intervention is required in the matter at the level of this Commission.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

**(Radha Krishna Mathur)**  
**Chief Information Commissioner**

Authenticated true copy

(S.C. Sharma)  
Dy. Registrar