

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/A/2016/001230

Appellant : Shri Surender Kumar
House No. 1257, Block –B Gali No.3
Sangam Vihar, New Delhi- 110080

Public Authority : The Mgr/CC/ Coordination/Centralized RTI
Cell & PIO, DMRC, Metro Bhawan, Fire Bridge lane
Barakhamba Lane, New Delhi- 110001

Date of Hearing : 05.10.2016
Date of Decision : 05.10.2016

Presence:

Appellant : Absent
PIO : Shri Mavmeet Kumar, DGM (Store) & APIO-5

FACTS:

- I. Vide RTI application dated **04.02.2016**, the Appellant sought information on **8 issues**.
- II. PIO, vide its response dated **18.03.2016**, denied to provided the information u/s 7 (9).
- III. The First Appeal (FA) was filed on **26.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **13.05.2016**, information cannot be provided at present stage.
- V. Grounds for the Second Appeal filed on **27.06.2016**, 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 **04.02.2016**, sought information from the respondents on **8 issues**. Respondents, vide their response dated **18.03.2016**, allegedly denied the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **26.03.2016** before the FAA, who vide his order dated **13.05.2016**, upheld the decision of CPIO. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that the CPIO, vide his response dated **18.03.2016**, denied the required information to the appellant by taking a plea under **section 7(9) of the RTI Act**

2005 being voluminous in nature. Further, learned FAA, vide his order dated **13.05.2016**, disposed of the FA by upholding the views of CPIO.

3. On this very aspect, the Commission posed a query to Shri Mavmeet Kumar, DGM (Store) & APIO-5 in respect of plea taken under **section 7(9) of the RTI Act 2005**. On this, Shri Mavmeet Kumar, DGM (Store) & APIO-5, has submitted a hand written note dated 05.10.2016. As per the contents of this note, "The information being asked by the applicant regarding purchase from MSME is not captured by SAP System as it is not maintained in the system of DMRC. For getting the required information more than 1000 nos. of Files will have to be physically checked."
4. In view of the above, it is amply clear that the plea taken by the respondents under section 7(9) of the RTI Act 2005, seems to be legally tenable, simply because, in case appellant is provided the required information on the subject of his RTI application, this will definitely divert the resources of the public authority disproportionately or would be detrimental to the safety or preservation of the record in question.
2. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **04.02.2016**, respondent's response dated **18.03.2016**, FAA's order dated **13.05.2016**, other material made available on record including respondent's hand written submissions dated **05.10.2016** and also the grounds of memorandum of second appeal.
3. In view of the **position** above and in the **circumstances** of the case, the Commission is of the considered view that the plea taken by CPIO under **section 7(9) of the RTI Act 2005** appears to be **justified** in the eyes of Law. As such, there is **no legal infirmity** either in CPIO's response or FAA's order. Therefore, the CPIO's response dated **18.03.2016** and FAA's order dated **13.05.2016** are hereby **upheld** being **legally tenable**. In view of this, the appellant's second appeal deserves to be **dismissed**. Therefore, it is **dismissed**.
4. Apart from above, the appellant's second appeal is also a **non-pressed**, despite of our due notice to him.

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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