



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/C/2013/000178

Dated: 17.12.2013

Name of Appellant : Shri Nemi Chand Jain
Name of Respondent : Directorate General of Foreign Trade
Date of Hearing : 11.12.2013

ORDER

In pursuance with the Commission's order No. CIC/SS/A/2012/002467 dated 30.4.2013 in the matter of Shri Nemi Chand Jain Vs. D.G.F.T, a show cause notice u/s 20(1) of the RTI Act, 2005 was issued by the Commission to Shri Ashish Mohan, Dy. DGFT / CPIO and the matter was heard on 4.11.2013, wherein Shri Ashish Mohan stated that the RTI application dated 20.12.2011 of the appellant has been received in Vigilance Section for the first time on 7.2.2013 by the CPIO and subsequently in his written submissions dated 27.11.2013 reiterated the same. Then the Commission issued a show cause notice dated 28.11.2013 to Shri Ramanand Meena, Dy. DGFT & then CPIO u/s 20(1) of the RTI application for obstructing the disclosure of information. The show-cause hearing took place on 11.12.2013. Shri Ramanand Meena, Dy. DGFT/CPIO was present during the hearing.

2. In his written submissions filed by Shri Ramanand Meena, Dy. DGFT/ the then CPIO, DGFT before the Commission, states as follows:

- *The appellant's RTI application dated 20.12.2011 was received from the R&I which was marked to CPIO/Vigilance and ECA-I on 30.12.2011.*
- *The Section Officer of ECA-I has brought to his notice about the RTI application on 9.1.2012.*
- *In turn he sought clarification from the Section Officer ECA-I on 9.1.2012 whether information on Point No. 1, 2, 3 and 4 available on record.*
- *In the meantime the appellant filed first appeal on 25.1.2012 i.e. before 30 days of receipt of RTI application by the CPI, which prevented him to provide an interim reply to the appellant.*
- *Only Point No. 4 was related to ECA-I through which the appellant sought copy of note sheet relating to his review petition after 24.8.2011. There was no intention on the part of the CPIO to hide this information as the CPIO vide letter No. 2705 dated 5.12.2011 copies of note sheet prior to 24.8.2011 relating to appellant's review petition consisting of 103 pages has already been provided to the appellant [which the appellant himself admitted to have received]..*
- *The FAA vide his order No. 4116 dated 26.3.2012 informed the appellant that presently, the files containing the sought information were under process. As soon as the files will be available, the requisite information would be furnished. Thereafter the CPIO vide letter No. 18/5/2011-12/ECA-1/2783, 2784 dated 7.2.2013 informed the appellant that Point No. 1 to 3 were related to CPIO & DDG (Vigilance), a copy of his RTI application dated 20.12.2011 has been forwarded to the CPIO (Vigilance) for necessary action. On Point No. 4 copy of file notings after 24.8.2011 relating to review order No. 3/001/AM/07/DRI/ECA-II/AO232 dated 25.5.2009 provided to the appellant.*

3. Perused the documents available in the file and heard the oral submissions of the then CPIO. The Commission observed that the RTI application dated 20.12.2011 was received by the CPIO on 9.1.2012 which he has marked to the Section Officer on the same day. In his submissions filed before the Commission the CPIO states that the appellant filed his first appeal on 25/1/2012 before 30 days of receipt of RTI application by the CPIO and hence this has prevented him to interim reply to the appellant without directions of the FAA. There is merit in the contention put forth by the CPIO and no malafide is established on the part of the CPIO. The penalty proceedings u/s 20(1) against Shri Ramanand Meena, DDG/the then CPIO are hereby dropped.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri Nemi Chand Jain, (Appellant)
202, Upasana Apartment,
E-14, Bihari Marg, Banipark,
Jaipur-302016.

Shri Ramanand Meena,
DDG/then CPIO
Directorate General of Foreign Trade,
Udyog Bhavan, Maulana Azad Road,
New Delhi-110001.

The CPIO,
Ministry of Corporate Affairs,
Shastri Bhawan,
New Delhi-110001.

The First Appellate Authority,
Ministry of Corporate Affairs,
Shastri Bhawan,
New Delhi-110001.