



Central Information Commission

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066
Website: www.cic.gov.in

Decision No. 4162/IC(A)/2009

F. No. CIC/MA/A/2009/00493

Dated, the 13th July, 2009

Name of the Appellant : Shri D. Sankara Narayana Gandhi

Name of the Public Authority : Zonal DGFT, Chennai

Facts: ¹

1. The appeal was scheduled for hearing on 10/07/2009, but the appellant did not avail of this opportunity. The appeal is therefore examined on merit.

2. Through his RTI application, the appellant has asked for the following information:

“Whether the export license whose copy is enclosed herewith was issued by your office in Serial No. 0001640 dated 16.04.2002; in File No. 04/90/110/00003/AM-03, was issued to one M/s AA Impex Company having IEC 049901773 for export of Musical Instruments parts made of Red Sanders Wood for a quantity of 800 sets weighing 2904 kgs.’

3. The CPIO replied as under:

“Please refer your application filed under RTI with this office on 13.01.2009 requesting for information as to whether Licence No. 0001604 dated 16.04.2002 was issued to Ms. AA Impex Company.

As per information available with this office the issues concerned are pending before the Hon’ble Sessions Court, Chengalpattu. Hence the information requested cannot be given, as it may impede the process of investigation or apprehension or prosecution of offenders (Covered under Section 8 (1) of the RTI Act, 2005)”.

If you don’t ask, you don’t get - Mahatma Gandhi

4. In response to the 1st appeal filed by the appellant, the Appellate Authority upheld the decision of the CPIO.

5. Being not satisfied with the decision of the Appellate Authority, the appellant has pleaded for disclosure of information on the ground that the CPIO has wrongly invoked section 8 (1) (h) of the Act for denial of information. He has stated that the pendency of a case in the Court, after the investigation is over is not the sufficient ground for refusal of information.

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6. The CPIO has refused to provide the requested information u/s 8 (1) (h) of the Act on the ground that the matter is pending before the Court for adjudication and therefore the disclosure of information would impede the process of investigation. The CPIO has however not indicated as to how the disclosure of information would impede the process of the investigation or the prosecution of offenders. Presumably, the investigation have been completed, on the basis of which the Court is examining the matter. In view of this, the denial of information u/s 8 (1) (h) of the Act by the respondent is untenable.

7. The CPIO is therefore directed to furnish the requested information within 15 working days from the date of issue of this decision, failing which penalty proceeding u/s 20 (1) of the Act would be initiated.

8. The appeal is thus disposed of.

Sd/-

(Prof. M.M. Ansari)
Central Information Commissioner

Authenticated true copy:

(M.C. Sharma)
Assistant Registrar

Name and address of parties:²

1. Shri D. Sankara narayana Gandhi, 27/N, III Floor, Pandu Klix Plsza, Thambu Chetty Street, Chennai-600001.
2. Shri J.V. patil, Jt. DGFT & CPIO, O/o Zonal Jt. DGFT, 4th & 5th Floor, Shastri Bhavan Annexe, Chennai-600006.

All men by nature desire to know - Aristotle