

Central Information Commission
Room No. 305 B- Wing, August Kranti Bhawan,
Bhikaji Kama Place, New Delhi – 110066

Case No. CIC/SS/A/12/000585
Dated: 25.3.2013

Name of the Appellant: Shri N.C Jain (Present for the hearing)
Name of the Public Authority: Director General, Foreign Trade Mumbai
Represented by: Shri U.K Solanki (Joint Director),
Shri R.C Kalra (Joint Director)

ORDER

1. The appellant Shri N.C Jain filed an RTI application dated 2.5.2011 seeking copy of all Show Cause Notices issued and Adjudication Orders passed on the said Show Cause Notices during the period from 1.4.2006 to 31.3.2011.
2. The information sought by the appellant has been denied under section 8(1) (d) and 8(1) (j) of the RTI Act. Further, the first appellate authority has stated in her order dated 26.9.2011 that this office has issued several show cause notices and adjudication orders, therefore, the volume of the documents during the last five years would be very huge and practically difficult to compile at this stage. The appellant has filed a second appeal which was heard on 28.6.2012.

Decision :

Disclosure of information before guilt has been established can hamper the process of investigation. Show cause notice is given to the parties to call for their explanation and for gathering related facts/evidence before the guilt is established. Once the issue

of violation of Government rules is established and penalty is imposed by way of passing adjudication orders, the disclosure of adjudication order is not barred except to the extent it discloses certain information which harms the competitive position of the party involved in which case section 10 of the RTI Act would apply.

However, in the present case the appellant has not specified any particular information, rather he has sought all the copies from the period from 1.4.2006 to 31.3.2011. Moreover, the Commission is of the view that providing such information would attract the provisions of section 7 (9) of the RTI Act.

The appeal is disposed off accordingly.

Sushma Singh
Information Commissioner

Authenticated True Copy:

(DC Singh)
Deputy Registrar

Name & Address of Parties:

1. Appellant:

Shri Nemi Chand Jain
202, Upasna Apartment, E-14,
Bihari Marg, Banipark,
Jaipur - 302016

2. Public Information Officer &

Jt. Director General ,
Directorate General Foreign Trade,
New CGO Building, New Marine Lines,
Churachgate, Mumbai - 400020

3. First Appellate Authority &
Zonal Jt. Director General ,
Directorate General Foreign Trade,
New CGO Building, New Marine Lines,
Churachgate, Mumbai - 400020