

01/09/162/199/AM-16

# CENTRAL INFORMATION COMMISSION

Room No. - 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi - 110066.

File No. CIC/KY/A/2016/000013

Q10

Appellant : Shri Santosh Sable  
Room No. 1, Chawl No.1  
Prathmeshnagar, Shivkrupa Colony  
VitthalWadi, Kalyan (East), Thane-421306

Public Authority : The CPIO  
Directorate General of Foreign Trade  
M/o Commerce & Industry, Udyog Bhavan, New Delhi-110011

Date of Hearing : 17.03.2016

Date of Decision : 17.03.2016

### Presence:

Appellant : Shri R D Tyagi, Learned Advocate  
CPIO : Shri Suhrut Kumar Mohapatra, Dy. Director & CPIO

### FACTS:

- I. Vide RTI application dated 18.08.2015, the appellant sought information on **sole issue**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) was filed on 29.09.2015, as desired information not provided.
- IV. First Appellate Authority (FAA) vide his order dated 03.11.2015, directed the CPIO to provide the information to the appellant.
- V. Grounds for the Second Appeal filed on 22.12.2015, are contained in the Memorandum of Second Appeal.

### HEARING

Appellant as well as respondent 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 18.08.2015, sought information from the respondents on **sole issue**. However, respondents failed to furnish any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, appellant filed his FA on 29.09.2015 before FAA, who vide his order dated 03.11.2015, directed the CPIO to allow the appellant to have the inspection of the relevant record and provide the information to the appellant. Hence, a Second Appeal before this Commission.

2. It is pertinent to mention here that in compliance of FAA's order dated 03.11.2015, the CPIO, vide his first response dated 22.12.2015, requested the appellant to have the

inspection of the relevant records and pin point the required documents of which the photocopies are needed.

3. During hearing of the appeal, it is submitted by Shri R D Tyagi, Learned Advocate, on behalf of Appellant, that he has not received the respondent's response dated 22.12.2015. At this and under the directions of Hon. Commissioner copy of CPIO's response dated 22.12.2015 was handed over to Shri R D Tyagi, and he has received the same accordingly and also appended his signature on the office copy thereof and failed to show any sort of objection thereon. Thus, it is **legally inferred that appellant is fully satisfy with the reply.**
4. 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 18.08.2015, FAA's order dated 03.11.2015, respondent's response dated 22.12.2015, other material made available on record and also the grounds of memorandurif of second appeal.
5. In view of the **position** above and in the **circumstances** of the case, the Commission is of the considered view that it would be **appropriate and even justified** to direct the respondents to allow the appellant on any mutually convenient date and time for inspection of the relevant record and also to provide the photocopies of the relevant record, (if pointed out during inspection), free of cost, if not exceeded 30 in numbers, otherwise as per relevant rules. Thus, ordered accordingly.
6. The formalities above are to be completed **within 30 days** from the date of receipt of this order under intimation to this Commission. With these observations, the appellant's captioned second appeal is hereby **disposed of.**

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

  
(Krishan Avtar Talwar)  
Deputy Secretary

✓ The CPIO  
Directorate General of Foreign Trade  
M/o Commerce & Industry, Udyog Bhavan, New Delhi-110011

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