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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/2016/000056

Appellant

Shri Piyush Thakkar
Flat No. 5, Ground Floor
R K Palace, Dr. Nemade Cross Road
Old Dombivali, Dombivali (West), Thane-421202

Public Authority

The CPIO
M/o. Commerce & Industry
Dte. Gen. of Foreign Trade, Policy Section-4,
Room No. 210 Udyog Bhavan, New Delhi-110011

Date of Hearing

22.03.2016

Date of Decision

22.03.2016

Presence:

Appellant
CPIO

Absent
Shri Darshan Singh, FAA & Additional DGFT and
Ms. S. Latha, Dy. DGFT & CPIO

FACTS:

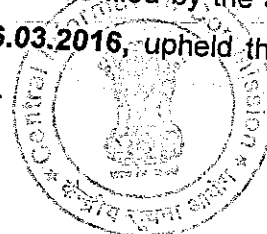
- I. Vide RTI application dated 11.08.2015, the appellant sought information on 2 issues.
- II. CPIO, vide its response dated 18.09.2015, denied the information u/s 8 (1) (d).
- III. The First Appeal (FA) was filed on 23.09.2015, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated 16.03.2016, upheld the decision of CPIO.
- V. Grounds for the Second Appeal filed on 30.12.2015, 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 11.08.2015, sought information from the respondents on 2 issues. Respondents, vide their response dated 18.09.2015, allegedly denied the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on 23.09.2015 before the FAA, who vide his order dated 16.03.2016, 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 18.09.2015, denied the required information to the appellant by taking a plea under **section 8(1) (d) of the RTI Act 2005**. Further, learned FAA, vide his order dated 16.03.2016, disposed of the FA by upholding the views of CPIO, **without application of his mind**, as to whether CPIO's plea u/s 8(1) (d) of the RTI Act 2005 for denying the required information to the appellant is **justified or not**. As such, Learned FAA's order dated 16.03.2016, deserves to be quashed and set aside. Therefore, it is hereby **quashed and set aside being not legally tenable**.
3. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated 11.08.2015, respondent's response dated 18.09.2015, FAA's order dated 16.03.2016, other material made available on record and also the grounds of memorandum of second appeal.
4. By virtue of **position** above and in the **circumstances** of the case, the Commission is of the considered view that it is a fit case to be **remanded back** to learned FAA with a direction to dispose of the Appellant's FA filed on 23.09.2015, **afresh, in accordance with the provisions of RTI Act 2005, after hearing the appellant, within 30 days** from the date of receipt of this order under intimation to the Commission. As such, the case is **remanded back**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

Shri Darshan Singh,
Additional DGFT & FAA
M/o Commerce & Industry
Dte. Gen. of Foreign Trade, Policy Section-4,
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