

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/213
CICOM/A/2018/00184
CICOM/R/2018/00390

Name of the appellant : Shri K.K. Garg,
461, Hargovindpuram,
City Center,
Gwalior – 474 011.

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|----|---|-------------------------------------|
| 1. | Date of RTI application | 09.04.2018 |
| 2. | Date of reply of the RTI application | 19.04.2018, 08.05.2018 & 05.07.2018 |
| 3. | CPIO(s) who furnished reply | DR to CR(I) & DO to IC(BJ) |
| 4. | 1 st Appeal Date | 23.07.2018 |
| 5. | Diary No. of 1 st Appeal of the Dak Section | 146926 |
| 6. | Diary date of the Dak Section | 26.07.2018 |
| 7. | Diary date of 1 st Appeal in the office of FAA | 31.07.2018 |
| 8. | Date of Decision | 13.08.2018 |

Brief facts of the case:-

In the RTI application, appellant has stated that:-

"It is notice that a complaint against the applicant (K.K. Garg) and his son Shri Bharat Bhushan Garg addressed to the Central Information Commissioner, 'B Wing', IInd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi – 110066 was sent by the Commissioner of Income-tax, Gwalior vide letter F.No.CIT/GWL/CS/2012-13/79 dated 14th May, 2013. In this connection you are requested to provide the following information:-

- 1. Diary number with date of receipt of the above complaint received in CIC.*
- 2. Certified copy of the above complaint received in CIC."*

2. Shri Krishan Avtar Talwar, DS & CPIO to CR-I vide letter dated 19.04.2018 intimated that the said letter was diarized vide Dy.No.135645 on 20.05.2013 and sent to DO to CIC(RM) and presently the public authority "Income Tax Department" is presently with the registry of the IC(BJ), he transferred the RTI application to Shri K.L. Das, DO to IC(BJ) for providing information sought on Point No.2.

3. Shri K.L. Das, CPIO & DO to IC(BJ) vide letter dated 05.07.2018 has intimated that:-

".....Since the registry of CIC(RM) has been dismantled, it had not been possible to trace the complaint. The relevant file concerning the complaint is also not mentioned. It has, therefore, not been possible to trace the said complaint

P.T.O.

despite best efforts made. Your RTI application has been transferred to this Registry simply because the Income Tax is being handled in this Registry these days. In view of the position explained above, the undersigned is totally unable to provide you the desire information."

4. On grounds of the appeal, appellant has stated that:-

"2.1 That, the CPIO has failed to give response to a request for information or access to information of point No.2 within the time limit specified under section 7(1) of the RTI Act, 2005. .

2.2 That, there is complete negligence and laxity on the part of the CPIO in this case in dealing with the RTI application reflecting disrespect towards the RTI Act, 2005 itself.

2.3 That, the CPIO has adopted casual and callous approach in not providing the information of point No.2 till date resulting in violation of the provisions of the RTI Act, 2005.

2.4 That, the conduct of the CPIO is against the spirit of the RTI Act, 2005 which was enacted to ensure greater transparency and effective access to the information."

Decision with reasons:-

5. On perusal of the RTI application, CPIO's reply and submission made in appeal, though factual information has been furnished by the CPIO, however, **direction is given to the Shri K.L. Das, CPIO & DO to IC(BJ) to make all efforts to trace the complaint reportedly not traceable and intimate the appellant accordingly.**

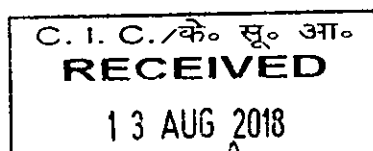
6. The appeal is, therefore, disposed off accordingly.

7. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 13th August, 2018.

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-



D. No.
Shri Ashok Kumar Sharma CPIO, RTI Cell, CIC, New Delhi
Shri K.L. Das, CPIO & DO to IC(BJ), CIC, New Delhi.

1.
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