

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

CIC/AA/A/2018/172
CICOM/A/2018/60093
CICOM/R/2018/50394

Name of the appellant : Shri Varun Krishna,
213, Gobind Appts.,
B-2, Vasundhara Enclave,
Delhi – 110 096.

1.	Date of online RTI application	30.05.2018
2.	Date of reply of the RTI application	26.06.2018
3.	CPIO(s) who furnished reply	DO to IC(BJ)
4.	Online 1 st Appeal Date	04.07.2018
5.	Diary date of 1 st Appeal in the office of FAA	09.07.2018
6.	Date of Hearing	13.07.2018

The appellant was present. Shri K.L. Das, CPIO & DO to IC(BJ) and Shri Ashok Kumar Sharma, CPIO, RTI Cell were present.

Brief facts of the case:-

In the RTI application, appellant has sought inspection of files of all appellant's and complainant's cases where show cause notice is issued to East Delhi Municipal Corporation since 2017 to till date.

2. Shri R.P. Grover, CPIO & DO to IC(YA) vide reply dated 26.06.2018 has stated as under:-

"All the decisions of the commission are available in the web site of the commission. Details of the information desired are not be available in the compiled form in the registry, as inspection of the those files can't be made available to you."

3. In the appeal, appellant has stated that he is not satisfied with the reply of the CPIO and submitted that:-

"The PIO is denying inspection station that:

"1. All the decisions of the commission are available in the Website of the commission.

The Ld PIO has overlooked to understand my RTI as I have not demanded inspection of decisions but the inspection of the files where Show Cause notices have been issued to EDMC.

The PIO did not quote any exemption u/s 8 or u/s 9 along with explanation to deny the inspection, Hence inspection cannot be obstructed.

P.T.O.

2. Details of information desired are not available in the compiled form in the registry.

It is impossible to believe the statement of PIO where he claims that the show-cause notice issued cases are not compiled and their case files are not available in registry.

Decision with reasons:-

5. During the hearing, appellant has reiterated the same. The CPIO, Shri R.P. Grover, CPIO & DO to IC(YA) has submitted that he misunderstood the RTI application and regretted for the same. The appellant has sought inspection of records of the case files in which show cause notices issued to EDMC. Since this is a third party information, Shri Grover denied providing inspection to the appellant as per Section 11 of the RTI Act. Further, Shri Grover has stated he has no objection to provide inspection to the appellant, if there is any such case concerning to the appellant himself.

6. In this regard, Hon'ble High Court of Delhi decision in the matter of Ankur Mutreja vs. Delhi University LPA 764/2011 dated 09.01.2012 may be referred to, which held that:-

"The Act does not provide for the CIC to hear the complainant or the appellant in the penalty proceedings, though there is no bar also there against if the CIC so desires. However, the complainant cannot as a matter of right claim audience in the penalty proceedings which are between the CIC and the erring Information Officer."

7. Hence, it is given to understand that the penalty proceedings are between the CIC and the erring Information Officer and complainant cannot as a matter of right claim audience. Show cause notices are issued to give an opportunity to the erring Information Officer to submit his view point before taking any decision on the imposition of penalty. Showing the case file of others during the process may even influence the proceedings. In this case no larger public interest is appears to be involved, therefore, I am in agreement with the logic and stand taken by the CPIO, which is appropriate in the light of the RTI Act.

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

9. 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 16th July, 2018.

C. I. C. / के. सू. आ.
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Initials.....

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

Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.