

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

CIC/AA/A/2019/86
CICOM/A/2019/00072
CICOM/R/2019/00097

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

1.	Date of RTI application	15.01.20 19
2.	Date of reply of the RTI application	27.02.2019
3.	CPIO(s) who furnished reply	DO to IC(BJ)
4.	1 st Appeal Date	13.03.2019
5.	Diary No. of 1 st Appeal of the Dak Section	10347
6.	Diary date of the Dak Section	22.03.2019
7.	Diary date of 1 st Appeal in the office of FAA	25.03.2019
8.	Date of Decision	03.04.2019

Brief facts of the Case:-

In the RTI application, appellant has sought following information in respect of non-compliance petition dated 29.01.2018 relating to Commission's order No.CIC/CCABH/A/2017/312453-BJ dated 11.12.2017:-

(1) Copy of action taken on non-compliance application made by the applicant on 29/01/2018 which was received in the office of the CIC on 05/02/2018 & diarized vide No.108685 on 07/02/2018.

(2) Copy of explanation furnished by the CPIO in response to show cause notice issued by the Hon'ble CIC if any.

(3) Copy of decision of the Hon'ble CIC if any on the non-compliance application of the applicant.

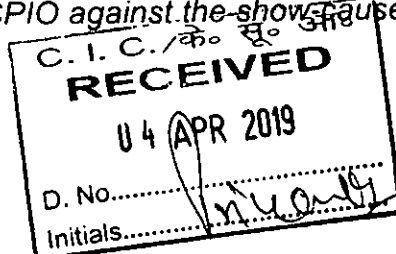
(4) Present status of non-compliance application submitted by the applicant."

2. Shri K.L. Das, CPIO & DO to IC(BJ) vide letter dated 27.02.2019 furnished following information:-

"1. Compliance has been reported by Ms. Swati Agarwal, Dy. Commissioner of Income Tax (Hqrs) vide her letter dated 02.01.2018 (copy enclosed).

2. In this connection it is informed that you have sought copy of explanation filed by CPIO against the show-cause notices issued to him. Show-cause Notices

P.T.O.



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are for penalty proceedings which is between the CIC and the erring CPIO. Even the complainant cannot claim audience, as a matter of right, in such proceedings, as held by the Division Bench of Delhi High Court in the matter of Ankur Mutreja Vs Delhi University LPA 764/2011 dated 09.11.2012. Further, no larger public interest has been demonstrated by you.

3&4. Compliance made, as stated in point 1 above."

3. Aggrieved with the CPIO's response, appellant filed present appeal.

Decision with reasons:-

4. On perusal of the RTI application, CPIO's reply and submissions made in the appeal, it is observed that information furnished by the CPIO on Points 1, 3 & 4 is not found appropriate. Information furnished on Point 2 is found appropriate. **Direction is accordingly given to Shri K.L. Das, CPIO & DO to IC(BJ) to revisit Points 1, 3 & 4 of the RTI application and supply appropriate information to the appellant within 2 weeks from the date of receipt of the order.**

5. The appeal is, therefore, disposed of.

6. 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 03rd April, 2019.

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

Copy to:-

Shri TBSJ Rajappa, CPIO, RTI Cell, CIC, New Delhi.
Shri K.L. Das, CPIO & DO to IC(BJ), CIC, New Delhi.

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04/04/19

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