



**CENTRAL INFORMATION COMMISSION**  
**Baba Gang Nath Marg, Munirka,**  
**New Delhi – 110 067**

**Sh. Varun Krishna**

**....Appellant**

**VERSUS**

**Central Information Commission**

**.....Respondent**

**Date of hearing: 20/09/2019**

**Time : 12:35 p.m.**

**Case No:**

1. **CIC/AA/A/2019/179**
2. **CICOM/A/2019/60138**
3. **CICOM/R/2019/50276/1**

**Present:**

1. **None - For the Appellant**
2. **Sh. S.C. Sharma, DR to IC (NG) & concerned CPIO – For the Respondent**
3. **Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) – For the Respondent**

**Brief facts:**

1. Sh. Varun Krishna, the Appellant, with reference to email dated 26/02/2019, sought the following information vide his RTI application dated 23/04/2019:

- i. Inward number and date of receiving hard copy of email dated 26/02/2019 along with inward number of soft copy of email received dated 26/02/2019.
- ii. Action taken report (ATR) by Hon'ble IC Shri Neeraj Kumar Gupta.
- iii. ATR by Dy. Registrar IC (NG) Shri Subhash Sharma.
- iv. ATR by Hon'ble CIC Shri Sudhir Bhargava.
- v. Copies of all documents prepared, executed, received and issued pertaining to email dated 26/02/2019.

2. Sh. S.C. Sharma, DR to IC (NG) and the concerned CPIO replied to the RTI application of the Appellant vide his letter dated 13/05/2019, mentioning as follows:

- i. Point-1. Hard copy was received in CIC was diarized with Dy. No. 113116 dated 22.03.2019 and soft copy received on 26.02.2019 and no number given.



ii. Point 2&3. No action has been taken.

3. Being dissatisfied with the reply of the CPIO, the Appellant filed a First Appeal dated 21/08/2019 before the First Appellate Authority, mentioning the grounds of Appeal as 'details not provided, provided incomplete, misleading or false information and made the following points:

- i. PIO seems to have overlooked for providing information for Sl. No. 2 and Sl. No. 3 of the RTI Application.
- ii. PIO seems to have not invoked Section 5(4) + 5(5) properly in order to provide the information for point number 2.

The Appellant has also sought the following relief:

- Proper strictures must be passed in order to implement RTI properly.
- In the light of the above, the RTI application should be accepted and information should be provided as per the provisions of RTI Act immediately by registered/speed post free of cost u/s 7(6).
- Personal hearing in the interest of natural justice must be provided and copy of PIO's comments be provided in advance of hearing date.

#### **Record of proceedings:**

1. Sh. Varun Krishna, Appellant did not appear in the hearing despite of the fact that the Notice of Hearing was sent to him in response to his request of granting him hearing in the matter. However, Sh. S.C. Sharma, concerned CPIO and Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) attended the hearing of the Appeal today and Sh. S.C. Sharma, concerned CPIO has reiterated to his earlier stand taken by him in his reply dated 13/05/2019.

2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant, it has been observed that the Appellant filed his RTI application on 23/04/2019 seeking information on 5 points and the concerned CPIO vide his letter dated 13/05/2019 sent the reply to the Appellant clearly mentioning regarding point 1 of the RTI application of the Appellant that the hard copy received in CIC was diarised vide Dy. No. 113116 dated 22/03/2019 and the soft copy of the same received on 26/02/2019 and no number was given to the same. As far as point 2 and 3 of the RTI application is concerned, the CPIO informed that no action has been taken on the same.

3. It has been observed that the said information was sent by the CPIO to the Appellant on 13/05/2019 clearly mentioning there in that the Appellant can file First Appeal under Section 19(1) of the RTI Act, 2005 within a period of 30 days from the date of receipt of the reply of the CPIO, but the Appellant has filed this Appeal after a period of almost 3 months from the date of receipt of the reply of the CPIO and has also not disclosed any reason of filing the Appeal so late. Hence, the Appeal is hopelessly time barred and is dismissed.



Sh. Varun Krishna is further informed if he is not satisfied with the order of the undersigned, he is free to file a Second Appeal under Section 19 (1) of the RTI Act, 2005 before the Hon'ble Information Commissioner Sh. Divya Prakash Sinha at the above mentioned address within a period of 90 days from the date of receipt of this order.



(Piyush Agarwal)

Registrar & First Appellate Authority

20/09/2019

To:

Sh. Varun Krishna  
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Copy To:

1. Sh. S.C. Sharma  
DR to IC (NG) & concerned CPIO  
Central Information Commission

2. Sh. T.B.J.S. Rajappa  
Nodal CPIO (RTI Cell)  
Central Information Commission

