

**Central Information Commission**

Baba Gang Nath Marg,  
Munirka, New Delhi – 110 067

CIC/AA/A/2020/

CICOM/A/E/20/00048

CICOM/R/E/20/00099

Name of the Appellant: Ms.Vimita Goswami  
T.H.X.-74, Opp. Maitri School,  
Adipur, Kutch,  
Pin:370205.

1.	Date of RTI application	06.02.2020
2.	Date of reply of the RTI application	05.03.2020
3.	CPIO (s) who furnished reply	Sh. K . L. Das, CPIO DO to CIC (BJ)
4.	1 <sup>st</sup> Appeal Date	04.04.2020
5.	First Appeal received in FAA's office	05.05.2020 (through online portal)
6.	Date of Decision	11.05.2020

**Brief Facts of the case:-**

1. The Appellant, through his RTI application asked for certified copies of action taken by CIC against the CPIO, O/o Pr. CCIT, Bhopal for not complying with the direction, given by the CIC vide its Second Appeal Order No. CIC/CCABH/A/ 2018/114512-BJ, dated 13<sup>th</sup>Sep 2019 and for sending an incorrect / false / prejudice / misleading / manipulated and delayed compliance report dated 23.10.2019 to the Appellant, which has allegedly been exposed by the Appellant himself through his various emails and postal correspondences, sent to CIC and the concerned public authority on various dates.

**Reply of CPIO:**

2. In response to the above RTI application of the Appellant, the CPIO, Sh. K. L. Das provided following detailed information to the appellant:

“In the said RTI application, you have sought certified copy of action taken by the Commission on your emails sent to different authorities in connection with non-compliance of the directions issued by the Commission vide order No. CIC/CCABH/A/2018/114512-BJ dated 13.09.2019.

The emails referred to by you are listed below:-

1. Your email dated 30.10.2019 addressed to Pr. CCIT, Bhopal and copy to Shri Sudhir Bhargav, CIC and Shri Bimal Julka, IC.
2. Your email dated 01.11.2019 addressed to Pr. CCIT, Bhopal and copy to Shri Sudhir Bhargav, CIC and Shri Bimal Julka, IC.
3. Your email dated 01.11.2019 addressed to Shri Sudhir Bhargav, IC.
4. Your email dated 08.11.2019 addressed to Shri Sudhir Bhargav, IC.
5. Your email dated 16.11.2019 addressed to Shri Sudhir Bhargav, IC.
6. Your email dated 23.11.2019 addressed to Shri Sudhir Bhargav, IC.
7. Your email dated 10.12.2019 addressed to Pr. CCIT, Bhopal.

8. Your email dated 12.12.2019 addressed to Shri Sudhir Bhargav, IC.
9. Letter dated 06.12.2019 of Dy. Registrar, Shri K.L. Das.
10. Your email/letter dated 17.12.2019 addressed to Shri K.L. Das.
11. Your email/letter dated 20.12.2019 addressed to Pr. CCIT, Bhopal.

Your emails mentioned at 3,4,5, 8 & 11 were all sent to Chief Information Commissioner Shri Sudhir Bhargav who demitted his office on 11.01.2020. His Registry has also been dismantled. It is not, therefore, possible for the undersigned to inform about their status /action taken thereon.

Your emails at S. No. 1 & 2 are all addressed to CCIT, Bhopal and their copies have been endorsed to Shri Bimal Julka. These are copies to the Commission and have been kept in the relevant case file.

Your email dated 23.11.2019 addressed to Shri Sudhir Bhargav, CIC was forwarded by the Registry of CIC to the Registry of IC(BJ). A copy of your said email was forwarded to ITO-3(3), Bhopal with the request to send compliance report and their comments thereon. A copy of our letter written to the CPIO was also endorsed to you.

Your email at serial No. 7 addressed to Pr. CCIT, Bhopal is against the reply furnished by the Income Tax Officer (Hqrs& TPS-2), O/o the Pr. CCIT (MP& CG), Hoshangabad Road, Bhopal, regarding compliance of the Commission's direction contained in Order No. CIC/CCABH/A/2018/114512-BJ dated 13.09.2019. This has been placed in concerned file.

Our letter dated 06.12.2019 written to CPIO, ITO -3(3), Bhopal was for seeking comments of the CPIO on your email dated 23.11.2019. The ITO- 3(3), Bhopal sent a reply vide their letter No. ITO-3(3)/BPL/RTI-VRG/2019-20 dated 27.12.2019. This letter has been placed in the file.

Your email dated 17.12.2019 was seen by the Hon'ble Commissioner, Shri Bimal Julka. The issue raised regarding letter dated 06.12.2019 sent by the Dy. Registrar to CPIO, ITO -3(3) was explained to him.

The CPIO, ITO-3(3), Bhopal vide his letter No. ITO-(3)/BPL/RTIVRG/2019-20 dated 27.12.2019 intimated that direction issued by the Commission had been complied with. A copy of this letter was endorsed to you also. Dissatisfied with the reply of CPIO, you sent emails. A decision is therefore to be taken by the Commission regarding compliance of its directions. The case is pending at this stage. Such cases are listed for re-hearing to take a decision. This case may also be listed in due course for hearing to decide about non-compliance."

#### **Ground of First Appeal:**

3. Aggrieved with the above reply given by the CPIO, CIC the Appellant has filed First Appeal, alleging that the concerned CPIO, O/o Pr. CCIT, Bhopal has not complied with the Commission's direction, given vide order No. CIC/CCABH/A/2018/114512-BJ dated 13.09.2019, and has requested to provide the desired information, asked for through his RTI application. The Appellant has also complained that the CPIO, CIC has not provided him complete information.



**Decision with reasons:**

4. On going through the Appeal, RTI application and the reply sent by the CPIO, it is observed that the Appellant is of the opinion that the direction given by the Commission vide its Second Appeal order No. CIC/CCABH/A/2018/114512-BJ dated 13.09.2019 has not been complied with by the concerned CPIO, i.e. CPIO, O/o Pr. CCIT, Bhopal and allegedly an incorrect / false / prejudice / misleading / manipulated and delayed compliance report dated 23.10.2019 has been sent by him to the Appellant, which has been proved by the Appellant himself through his various emails and correspondences sent to CIC and concerned CPIO on various dates.

On the other hand, the CPIO, CIC in his reply has clearly informed the Appellant that in response to Appellant's correspondences regarding non-compliance of Commission's decision, comments were obtained from the concerned CPIO, and the CPIO, vide his letter No. ITO-(3)/BPL/RTIVRG/2019-20 dated 27.12.2019 has intimated that direction issued by the Commission had been complied with. The CPIO, CIC has further informed the Appellant that *"a decision is therefore to be taken by the Commission regarding compliance of its directions. The case is pending at this stage. Such cases are listed for re-hearing to take a decision. This case may also be listed in due course for hearing to decide about non-compliance."*

The issue of non-compliance of Commission's decision by the concerned CPIO is yet to be decided at Commission's end and the Appellant has been informed with this fact by the CPIO, CIC.

In light of above, the information provided by the CPIO, CIC is factual and as per the provision of the RTI Act, 2005 and therefore further intervention, on behalf of the undersigned, is not required in this matter.

5. The appeal is being disposed of accordingly.

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 – 110 067 against this order within 90 days.

**Dated – 11.05.2020**

*M. Balimane*  
11/5/2020  
(Meena Balimane Sharma)  
Addl. Secretary & First Appellate Authority  
Tel: 26162290

**Copy to:-**

1. Sh. T. B. J. S. Rajappa, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. K. L. Das, CPIO & DO to CIC (BJ), CIC, New Delhi.