

CENTRAL INFORMATION COMMISSION

**Baba Gang Nath Marg,
Munirka, New Delhi -110067
Tel : +91-11-26186535**

Appeal No. CIC/BATRC/A/2017/171688

Appellant: Sh. Kunal M Birwadkar
Flat No 08, Atomica,
Acharya Atre Marg, Worli,
Mumbai -400018,
Maharashtra.

Respondent: Central Public Information Officer,
Chief Admn. Officer (A)
Bhabha Atomic Research Center,
Central Complex, 3rd Floor,
Barc Trombay,
Mumbai- 400085.

Date of Hearing: 10.07.2018

Date of Decision: 10.07.2018

RTI Application filed on: 07.04.2017
CPIO replied on: 11.05.2017
First Appeal filed on: 12.06.2017
FAA's order: Not on record
2nd Appeal received on: 13.10.2017

ORDER

Facts:

1. The appellant filed RTI application dated 07.04.2017 seeking certified copy of the list of materials procured by Sh. P.H. Thyagaraju, SO/G, UED, BARC through temporary advance along with respective total expenditure from April 2014 till date; certified copy of the bill/cash memo/tax invoice submitted by Sh. P.H. Thyagaraju for the respective materials.
2. The appellant filed second appeal on 13.10.2017 with the Commission on the ground that information should be provided to him.

Hearing:

3. The appellant participated in the hearing through VC. The respondent, Sh. S.S. Boopathy, CPIO participated in the hearing through VC.
4. The respondent had sent their written submission dated 28.06.2018, which is taken on record.
5. The appellant stated that there is a delay in giving information.
6. The appellant stated that his first appeal has not been disposed by the First Appellate Authority.
7. The appellant stated that there is unwarranted delay in giving information and that the respondent had deliberately withheld the information. The appellant stated that penalty should be imposed on the respondent.
8. The respondent stated that reply was given to the appellant within stipulated time. The respondent stated that complete information was not available at that point of time. The information was thereafter collected from the deemed CPIO.
9. The respondent stated that inadvertently the first appeal of the appellant was lost in transit along with other papers. He stated that after receiving hearing notice from the Commission, they traced the first appeal of the appellant. The respondent stated that immediately, the FAA had disposed the first appeal of the appellant and furnished complete information to him.
10. The respondent stated that non-disposal of first appeal within stipulated period of time and delay in furnishing information is neither intentional nor deliberate.

Discussion/ observation:

11. The Commission observed that there is a delay in giving full information to the appellant. The Commission is of the view that the respondent should have collected the information from the deemed CPIO at the time of reply of RTI application.


Decision:

12. The respondent is directed to show-cause in writing the reason that why action should not be taken against him for delay in giving full information to

the appellant and why the first appeal of the appellant was misplaced, within 30 days from the date of receipt of this order.

The appeal is disposed of. Copy of the decision be given free of cost to the parties.

Authenticated true copy



(S.C. Sharma)
Dy. Registrar



केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No.- **CIC/BATRC/A/2017/171688**

Kunal M Birwadkar
Flat No. 08, Atomica , Acharya Atre Marg,
Worli, Mumbai-400018, Maharashtra.

...अपीलकर्ता / Appellant

Versus
बनाम

Central Public Information Officer,
Chief Admn. Officer (A),
Bhabha Atomic Research Centre,
Central Complex, 3rd Floor, BARC,
Trombay, Mumbai-400085.

...प्रतिवादी / Respondent

Dated of Order:-

23-08-2018

ORDER

Facts:

1. Above mentioned appeal of the appellant, Shri Kunal M Birwadkar, was disposed of by the Commission on 10.07.2018 with following directions to the respondent:-

“1. The respondent is directed to show-cause in writing the reason that why action should not be taken against him for delay in giving full information to the appellant and why the first appeal of the appellant was misplaced, within 30 days from the date of receipt of this order.”

2. In response to the show cause, the respondent has given a reply vide his letter dated 01.08.2018 stating as follows:-

“5 The First appeal dated 12.06.2017 was received on 12.06.2017 by the First Appellate Authority. The First Appeal was marked to the then PIO for discussion with the Appellate Authority and was inadvertently misplaced at the time of transit.

6. As you may have perused the information given by BARC, that there was no malafide intention in not providing information nor it was wilful delay as the information sought by the appellant was provided to him
7. It is a humble submission that the information sought by the appellant has been furnished to the appellant in the initial stage itself except for copy of the bill/invoice submitted by the party. On receipt of Second Appeal from the Hon'ble CIC, the First Appeal was traced out and thereafter the First Appellate Authority has also issued the order and the same has been complied with. It is only the issue of Appellate order by the First Appellate Authority that has not been complied within the time limit. Therefore, it is requested that the Commission may take a holistic and a lenient view on that point, as the delay was unintentional.
8. It is also brought out that the information requested had to be compiled from different Departments and then standardized to provide the information. The information requested was also for a period of time (April, 2014 to April, 2017) which took some time.
9. The lapse on our part for the delay in disposing the First Appeal is true. However, immediately on tracing the First Appeal, the Appellate Authority has disposed the First Appeal and the PIO has also provided the certified copies of bill/invoice sought by the appellant immediately.
10. It is also mentioned that on an average 530 RTI applications, 77 First Appeals and 12 Second Appeals were received in this Centre during the period from April, 2017 to April, 2018 and we diligently provided all the information within the ambit of the RTI Act, 2005.
11. Since the introduction of RTI Act till date this Centre is implementing the provisions of RTI Act in letter and spirit and so far PIO, BARC has not violated any of the provision of the Act, nor got any specific instruction from CIC.
12. Notwithstanding any of the facts brought out above, the Hon'ble CIC is requested to condone the unintentional delay in

disposing of the appeal. It is assured that, this Centre will be more careful in future while dealing with RTI application. The Hon'ble CIC is requested not to initiate any further action for the delay in disposal of the first appeal by treating the case as closed."


Discussion/observation:

3. On perusal of letter dated 01.08.2018 of the respondent, it is observed by the Commission that the show cause reply is satisfactory. However, the CPIO is advised to be cautious and careful in future.

Decision:

4. As the respondent has given a satisfactory reply, no further action is required and accordingly the matter is closed at Commission's level.

5. The show cause is dropped. Copy of the order be given to the parties free of cost.


Radha Krishna Mathur (राधा कृष्ण माथुर)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S.C. Sharma

Dy. Registrar

एस. सी. शर्मा, उप-पंजीयक
(011-26186535)