

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

Files No. **CIC/SS/C/2013/000542/KY**

CIC/SS/C/2013/000543/KY

CIC/SS/C/2013/000544/KY

CIC/SS/C/2013/000545/KY

Petitioner : Shri Praveen Sakhuja
LD-119, SFS Flats, Pitampura
Delhi-110034

Public Authority : The Assistant Director & CPIO
Export Inspection Council of India
(M/o. Commerce & Industry) 3rd Floor,
NDYMCA Cultural Centre Building, 1 Jai Singh Road,
New Delhi-110001

Date of Hearing : 07.09.2016

Date of Decision : 07.09.2016

Presence:

Petitioner : Absent
CPIO : Shri Parmod Siwach, Asst. Director & CPIO

A) FACTS of File no. CIC/SS/C/2013/000542/KY:

- I. Vide RTI application dated **07.02.2013**, the Petitioner sought information on **6 issues**.
- II. CPIO, vide its response dated **05.03.2013**, reportedly not provided the information to the Petitioner.
- III. The First Appeal (FA) was filed on **14.03.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Petition filed on **29.08.2013**, are contained in the Memorandum of Petition.

B) FACTS of File No. CIC/SS/C/2013/000543/KY:

- I. Vide RTI application dated **18.03.2013**, the Petitioner sought information on **sole issue**.
- II. CPIO, vide its response dated **09.05.2013**, denied to provided the information u/s 2 (f).
- III. The First Appeal (FA) was filed on **28.05.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **17.06.2013**, upheld the decision of CPIO.

V. Grounds for the Petition filed on **29.08.2013**, are contained in the Memorandum of Petition.

C) FACTS File No. CIC/SS/C/2013/000544/KY:

- I. Vide RTI application dated **08.10.2012**, the Petitioner sought information on **3 issues**.
- II. CPIO, vide its response dated **09.10.2012**, reportedly not provided the information to the Petitioner.
- III. The First Appeal (FA) was filed on **07.01.2013**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **28.03.2013**, upheld the decision of CPIO.
- V. Grounds for the Petition filed on **29.08.2013**, are contained in the Memorandum of Petition.

D) FACTS File No. CIC/SS/C/2013/000545/KY:

- VI. Vide RTI application dated **08.03.2013**, the Petitioner sought information on **8 issues**.
- VII. CPIO, vide its response dated **03.04.2013**, reportedly not provided the information to the Petitioner.
- VIII. The First Appeal (FA) was filed on **08.04.2013**, as desired information not provided.
- IX. First Appellate Authority (FAA), vide its order dated **27.05.2013**, upheld the decision of CPIO.
- VI. Grounds for the Petition filed on **17.10.2013**, are contained in the Memorandum of Petition.

HEARING

Petitioner as well as respondents appeared before the Commission personally and made the submissions at length.

DECISION

1. It would be seen here that the Petitioner, vide his RTI Applications dated **07.02.2013**, **18.03.2013**, **08.10.2012** & **08.03.2013**, sought information from the respondents on **6, 1, 3 & 8 issues** respectively. Respondents, vide their responses dated **05.03.2013**, **09.05.2013**, **09.10.2012** & **03.04.2013**, allegedly provided the required information to the Petitioner. Being aggrieved by the aforesaid response, FAs were filed by the Petitioner on **14.03.2013**, **28.05.2013**, **07.01.2013** & **08.04.2013**, before the FAA, who vide his orders dated **17.06.2013**, **28.03.2013** & **27.05.2013**, upheld the decision of CPIO. Hence, a Petition before this Commission.
2. Apart from above, it is pertinent to mention here that Shri Praveen Sakhuja, Petitioner, vide his petitions dated **29.08.2013 (3 in nos.)** & **17.10.2013**, requested this Hon. Commission as under:

“a. Compensation under Section 19(8)(b) of the RTI Act be awarded to compensate the appellant for the regular losses and detriments being suffered by him regularly and repeatedly due to CPIO & FAA.

b. CPIO is booked under section 20 for his repeated disobedience and intentional and repeated negligence of denying the information to the appellant at first go.”

3. In view of the nature of the prayer clauses (supra), the Commission feels that Shri Praveen Sakhuja, filed **petitions in composite nature** whereby, the petitioner has sought **compensation** under **Section 19(8) (b) of the RTI Act 2005** and also the **penal action** against the respondents under **Section 20(1) of the RTI Act 2005**. Thus, **these petitions may be legally construed as composite petitions** in the light of provisions of RTI Act 2005.
4. In view of the above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the penal action is allowed on such composite petition, the incorporation of Section 20(1) of the RTI Act 2005 **would be rendered as redundant and meaningless**.
5. Further, in other words, it may be stated here that the reliefs provided under section 19(8)(b) of the RTI Act 2005 are legally permissible to be provided to the petitioner, if he wishes to file the petition u/s 19(3) of the RTI Act 2005 i.e. **second appeal only** before this Commission. Similarly, the reliefs provided under Sub Clause (1) & Sub Clause (2) of Section 20 of the RTI Act 2005 are legally permissible to be provided to the petitioner, in case, he wishes to file the petition u/s 18 of the RTI Act 2005 i.e. a **complaint** before this Commission and, however, **not in otherwise**.
6. In view of the **position** above and in the **circumstances** of the case, the Commissioner feels that **in the absence of expressed & enabling** provisions under the RTI Act 2005 to file the composite petitions, the instant composite petitions are **devoid of merit** and deserve to be **dismissed** on this ground only.
7. The Commissioner heard the submissions made by respondents at length. The Commissioner also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the petitioner in his RTI applications, respondent's responses, FAA's order, **other materials made available by the petitioner** on record and also the grounds of memorandum of Petitions.
8. Furthermore, it is to be seen here that despite of our **due notice**, Petitioner failed to appear **either in person** or through someone, duly authorized by him before the Commission to press his case. However, the Commission feels that Petitioner must have appeared, in such situations, to press his petition before the Commission, after all, it is his

case to be pursued specifically but complainant is absent **deliberately**, despite of our due notice. Thus, it shows the intention of the Petitioner that he is not interested, **at all**, in pursuing his own case before the Commission.

9. In view of the above, the Commission feels that **no fruitful purpose** would be served by proceeding **in such cases**. Thus, the Commission is of the considered view that it would be **appropriate and even justified** to **dismiss** the cases. Therefore, these are hereby **dismissed**.

The petitions are dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Assistant Director & CPIO
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