

**CENTRAL INFORMATION COMMISSION**

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

Files No. CIC/KY/A/2015/000175  
CIC/KY/C/2015/000029

Appellant : Shri S P Goyal  
103A Krishna Chambers  
59 New Marine Lines, Mumbai-20

Public Authority : The CPIO  
CBEC, RTI Cell, R & I Division,  
New Custom House, Mumbai-400001

Date of Hearing : 28.05.2015  
Date of Decision : 28.05.2015

**Presence:**

Appellant : Absent  
CPIO : Absent

**A) FACTS of file No. CIC/KY/A/2015/000175:**

- I . Vide RTI application dated **17.11.2014**, the appellant sought information on the **4 issues**.
- II . CPIO, vide its response dated **25.11.2014 & 17.12.2014**, has not provided the information to the appellant.
- III . The First Appeal (FA) was filed on **27.12.2014**, as desired information not provided.
- IV . First Appellate Authority (FAA), vide his order dated **30.01.2015**, directed the CPIO to provide some information to the appellant, against issue no. 4.
- V . Grounds for the Second Appeal filed on **05.02.2015**, are contained in the Memorandum of Appeal.

**B) FACTS of file No. CIC/KY/C/2015/000029:**

- VI . Vide RTI application dated **17.11.2014**, the appellant sought information on the **4 issues**.
- VII . CPIO, vide its response dated **25.11.2014 & 17.12.2014**, has not provided the information to the appellant.
- VIII . The First Appeal (FA) was filed on **27.12.2014**, as desired information not provided.
- IX . First Appellate Authority (FAA), vide his order dated **30.01.2015**, directed the CPIO to provide some information to the appellant, against issue no. 4.
- X . Grounds for the Second Appeal filed on **06.02.2015**, are contained in the Memorandum of Appeal.

**HEARING**

**Appellant as well as respondent opted to be absent despite of our due notice to them.**

.....2

-2-

### **DECISION**

1. It is pertinent to mention here that Shri S P Goyal, vide his first petition dated **05.02.2015**, requested this Hon. Commission as under:

*“CIC is requested to **take action** against CPIO under section 18(c) of the RTI Act, 2005 for not giving information on time. I **require the information** urgently as it is to be submitted in a Court of Law. Also CIC is requested to impose the **penalty** of Rs 25000/- under section 20 of the RTI Act 2005 and **Compensation** to me under Section 19(8)(b) of RTI Act 2005 of Rs 1,00,000/- (One Lakh Rupees Only).”*

2. Further petitioner, vide his second petition dated **06.02.2015**, requested this Hon. Commission as under:

*“I have already filed Appeal u/s 19(3) of the RTI Act 2005. Also CIC is requested to impose the **penalty** of Rs 25000/- under section 20 of the RTI Act 2005 and **Compensation** to me under Section 19(8)(b) of RTI Act 2005 of Rs 1,00,000/- (One Lakh Rupees Only).”*

3. In view of the nature of the prayer clauses (supra), the Commission feels that Shri S P Goyal, filed a **petition in composite nature** whereby, the petitioner has sought the required **information** on his RTI application under **Section 19(3) of the RTI Act 2005** with **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**. Further, petitioner vide his second petition (so called complaint), has also sought the information with compensation u/s 19(8)(b) of the RTI Act 2005 as well as the penal action under section 20(1) of the RTI Act 2005. Thus, **both 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 **is not legally tenable**, simply because, (A) 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**. Similarly, (B) if the **required information with compensation along with penal action**, claimed vide a petition filed under section 18 of the RTI Act 2005, **is allowed**, the **incorporation of the Section 19(3) & 19(8) (b)** in 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) of the RTI Act 2005 are legally permissible to be provided to the appellant, 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) and Sub Clause (2) of Section 20 of the RTI Act 2005 are

legally permissible to be provided to the appellant, in case he wishes to file the petition u/s 18 of the RTI Act 2005 i.e. a **complaint** before this Commission. **Not in otherwise.**

6. In view of the **position** above and in the **circumstances** of the case the Commission 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**. Therefore, instant composite petitions are hereby dismissed.

.....3

-3-

7. Apart from above, the Commission also thinks that petitioner must have appeared, in person or through some one, in such situations, to press his case before the Commission, after all, it is his case to be pursued strongly. However, the petitioner is **absent deliberately**, to press his petition, 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.

The petitions are dismissed accordingly.

Sd/-  
(M.A. Khan Yusufi)  
Information Commissioner

Authenticated true copy

(Vijay Bhalla)  
Deputy Registrar

The CPIO  
CBEC, RTI Cell, R&I Division,  
New Custom House, Mumbai-400001

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