

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2009/096 dated 17-2-2009

Right to Information Act 2005 – Section 19

Appellant: Shri Kulwant Singh

Respondent: Central Bureau of Investigation (CBI)

Decision announced 5.2.'10

FACTS

By an application of 23-6-2008 Shri Kulwant Singh of Shastri Nagar, Delhi applied to the CPIO, SP, CBI, ACB, Delhi seeking the following information: -

1. "Please provide the certified copies of letters written by applicant dated 2-7-92, 28-2-95, 2-2-95, 28-3-95, 6-3-2000, 25-6-2003 and reminders dated 10-5-05, 1-3-05, 10-6-05, 15-6-05 and 4-5-06 and action taken on it date wise;
2. Please provide the certified copy of report of Inspector U.C. Bashist dated 17-1-2002 when Shri A.K. Suri came to see house No. 260 of appellant;
3. Please provide the certified copy of report of Mr. Surinder Malik, Inspector regarding inquiry from Mr. S.D. Arora, Dy. Director (LM) DDA
4. Please provide the certified copy of report submitted by Shri Inder Mohan Sharma regarding house of appellant;
5. Please provide the certified copy of report of Mr. Subhash Chander, SI, CBI, ACB regarding inquiry from CVO, DDA, Shri V.K. Sidhu;
6. Whether Shri RK Datta, SP and Shri Azad Singh, IO got the license issued to Sanjay Hatti or not after the arrest of Health Inspector No. RCA 83/94 MCD.

To this Shri Kulwant Singh received a point wise reply dated 21.7.2008 from CPIO Shri Sumit Sharan, SP, CBI, ACB as follows: -

- "1. Copy of your applications dated 2.7.92, 6.3.02, 25.6.03, 10.5.05 and 4.5.06 are enclosed, duly certified. Copy of other applications cannot be provided to you, as the same are not available in the case file. Your application dated 2.7.92 was sent to Director (Vig.), I DDA to look into the matter. As regard your application dated 6.3.02, it is intimated that after conducting an inquiry report by the IO Surender Malik dated 1.4.02 was submitted which is enclosed herewith. The DDA authorities intimated that local commissioner may be appointed in the matter. Your

- other applications except 4.5.06 were also sent to CVO, DDA for taking necessary action at their end.
2. You have requested to provide a copy of the report of Insp. U. C. Bashist. The case file has been checked. No such report is available in the case.
 3. Copy of the report of Insp. Surender Malik dated 1.4.02 is enclosed duly certified.
 4. You have asked for supply of report of SI I. D. Sharma. The case file has been checked. No such report is available in the file.
 5. You have asked for supply of copy of report of SI Subhash Chander. The case file has been checked. No such report is available in the case file.
 6. No such reference is available in the case file.
 7. You have not sought any information and have asked a question which cannot be replied in the provision of RTI Act.”

Not satisfied, however, Shri Kulwant Singh moved an appeal before DIG, CBI, ACB, First Appellate Authority, CBI, Delhi, in response to which by order of 5.9.2008 Shri Y. P. Singh, Joint Director, CBI, Delhi Zone found that as regards copies of letters untraced as the letters asked for are not available in the records of the branch, it is not possible to supply copies of the same. So far as reports of Inspector Shri U. C. Bashist, Shri I. D. Sharma, SI Subhash Chander and reference regarding SP, R. K. Dutta and Inspector Azad Singh are concerned as has already been informed by the CPIO vide his reply dated 21.7.2008 that no such report is available in the case file and as such it is not possible to provide the appellant with the same. Regarding question No. 7 Jt. Director’s order is as follows; -

“The appellant has asked to be informed whether after RC.68/91 in which DDA’s JE was arrested whether CBI, ACB, Delhi could have got the house of the appellant passed and whether the appellant and his family could have been protected from false cases. The CPIO has already informed that this request of the appellant is not seeking information but is only opinion relating to possible course of action and hence this does not categorize as any specific information which can be given to the appellant.”

On the above grounds the appeal was dismissed bringing Shri Kulwant Singh to his second appeal before us with the following prayer: -

“It is requested that the remaining certified copies/information may be got provided and a compensation of Rs. 250/- under RTI Act 2005 may also be awarded”.

The issue before us would, therefore, be as to whether the documents cited as non-existent were actually in existence, the disclosure of which had been avoided.

The appeal was heard on 5-2-2010. The following are present.

Appellant

Shri Kulwant Singh.

Respondents

Shri Sumit Sharan, SP, CBI, CBI

Appellant Shri Kulwant Singh submitted that he has receipts for the letters that he stated to have sent and regarding which CPIO Shri Sumit Sharan has denied record. Similarly on the question of reports received from different officers also Shri Kulwant Singh submitted that he has evidence to prove that these reports were actually submitted. Upon this respondent Shri Sumit Sharan, SP, CBI, ACB readily agreed that if such evidence were shown to him he will make a new effort to trace the concerned documents.

DECISION NOTICE

In light of the above, the appeal is allowed. Shri Kulwant Singh will appear with necessary receipts/ proof before SP Shri Sumit Sharan in his office in Block No.- 4, CGO Complex, Lodhi Road, New Delhi-110003 at **11.00 AM on 9th February, 2010** when renewed effort will be made to trace the records and provide the necessary copies to appellant Shri Kulwant Singh. Intimation of the action taken will be submitted to Joint Registrar, Shri Pankaj K. P. Shreyaskar, Central Information Commission within 10 working days of the date of receipt of this decision notice.

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
5-2-2010

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(DC Singh)
Asst. Registrar
5-2-2010