

CENTRAL INFORMATION COMMISSION

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

CIC/KY/A/2015/001097

CIC/KY/A/2015/001098

CIC/KY/A/2015/0010099

Petitioner : Shri Shreepat Rao Kamde
B-132, Mansarovar Garden
New Delhi-110015

Public Authority : The Dy. Director (LAB/SFS/H) & CPIO
DDA, D-Block, 2nd Floor, Vikas Sadan
INA, New Delhi-110023

Date of Hearing : 23.02.2016
Date of Decision : 23.02.2016

Presence:

Petitioner : Shri Shreepat Rao Kamde
CPIO : Sh. R C Bhatnagar, Dealing Assistant

(A) FACTS:

- I. Vide RTI application dated **17.02.2015**, the petitioner sought information on **4** issues.
- II. CPIO, vide its response dated **22.05.2015**, has provided the part information to the petitioner.
- III. The First Appeal (FA) was filed on **08.06.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide his order dated **04.06.2015**, upheld the views of CPIO.
- V. Grounds for the Petition filed on **NIL**, are contained in the Memorandum of Petition.

(B) FACTS:

- VI. Vide RTI application dated **09.07.2014**, **14.08.2014**, the Petitioner sought information on **14** issues.
- VII. CPIO, vide its response dated **24.04.2015**, Forwarded to Concern CPIO and for point no. 4 allowed for the inspection.
- VIII. The First Appeal (FA) was filed on **26.05.2015**, as desired information not provided.

IX. First Appellate Authority (FAA), vide his order dated **04.06.2015**, upheld the views of CPIO.

x. Grounds for the Petition filed on **NIL**, are contained in the Memorandum of Petition.

(C) **FACTS:**

XI. Vide RTI application dated **25.04.2015**, the Petitioner sought information on **9** issues.

XII. CPIO, vide its response dated **29.04.2015**, has provided the information to the Petitioner.

XIII. The First Appeal (FA) was filed on **26.05.2015**, as desired information not provided.

XIV. First Appellate Authority (FAA), order is not on record.

XV. Grounds for the Petition filed on **NIL**, 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 is pertinent to mention here that Shri Shreepat Rao Kamde, Petitioner, vide his petitions dated **NIL**, requested this Hon. Commission as under:

“a. Complete and categorically information must provide.

b. Return cost of information illegally charged by DDA.

c. Compensation to appellant for travelling and other financial expenses, for loss of professional time and work for other losses, for mental harassment, inconvenience and other detriments suffered.

d. Impose penalty for furnishing RTI reply delay as per provision of RTI Act 2005.

e. Any other action as your honour may think fit considering the facts and circumstances of this matter .”

2. In view of the nature of the prayer clauses (supra), the Commissioner feels that Shri Shreepat Rao Kamde, filed **petition in composite nature** whereby, the petitioner has sought **compensation** under Section **19(8) (b)** of the RTI Act 2005 along with **information** under section **19(3)** of the RTI Act 2005 and also the **penal action & disciplinary action** against the respondents under **Section 20(1) & 20(2) of the RTI Act 2005**. Thus, **this petition may be legally construed as composite petition** in the light of provisions of RTI Act 2005.

3. By virtue of above, the Commission feels that the **composite petitions** of such nature **are not legally tenable**, simply because, if the penal action & disciplinary action are allowed on such composite petition, the incorporation of Section 20(1) & 20(2) of the RTI Act 2005 **would be rendered as redundant and meaningless**.

4. Further, in other words, it may be stated here that the relief provided under section 19(8)(b) of the RTI Act 2005, is 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**.
5. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the Petitioner in his RTI applications dated **17.02.2015, 09.07.2014, 14.08.2014 & 25.04.2015**, respondent's responses dated **22.05.2015, 28.04.2015 & 29.04.2015**, FAA's orders dated **04.06.2015 (no. in 2)**, other material made available on record and also the grounds of memorandum of petitions.
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**.

The petitions are **dismissed** accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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