

**CENTRAL INFORMATION COMMISSION**

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

**Appeal No. CIC/BATRC/A/2017/171679**

Appellant: Sh. Kunal M Birwadkar  
Flat No 08, Atomica,  
Acharya Atre Marg, Worli,  
Mumbai -400018,  
Maharashtra  
(9969122834).

Respondent: Central Public Information Officer,  
Chief Admn. Officer (A)  
Bhabha Atomic Research Center,  
Central Complex, 3<sup>rd</sup> 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  
2<sup>nd</sup> 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 work orders/contracts issued by Sh. P.H. Thyagaraju, SO/G, UED, BARC from April 2014 till date; certified copy of the last date for receiving offers in the work orders/contracts, etc.
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 03.07.2018, which is taken on record.
5. The appellant referred to his RTI application dated 07.04.2017 and stated that information has not been provided to him by the respondent.
6. The appellant stated that the respondent has wrongly denied the information to him under Section 7(9) of the RTI Act. The appellant stated that he had asked information related to only one contractor, therefore, the information cannot be voluminous.
7. The appellant stated that his first appeal has not been disposed by the First Appellate Authority.
8. The appellant stated that there is unwarranted delay in giving information and that the respondent has deliberately withheld the information. The appellant stated that penalty should be imposed on the respondent.
9. The respondent stated that vide their reply dated 11.05.2017, they have furnished the list of tender nos., work order details date and tender amount for the period from April, 2014 till the date of application.
10. 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.
11. The respondent stated that the information related to certified copies and other details of the work orders/bills are voluminous in nature which will disproportionately divert the resources of the public authority. The respondent stated that they have advised the appellant to inspect all the available records in their office on a mutually convenient date and time.
12. The respondent stated that non-disposal of first appeal within stipulated period of time and non-furnishing of information is neither intentional nor deliberate.

**Discussion/ observation:**

13. The Commission is of the view that the respondent should facilitate inspection of their records to the appellant. The respondent should ensure that files sought should be available, complete with page numbering etc.

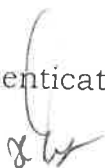
**Decision:**

14. The appellant, if he so wishes, may inspect the records at respondent's office on mutually convenient date and time, within 15 days from the date of this order. The respondent should also enable the appellant to inspect the relevant records and provide the desired information as identified during inspection by the appellant in the context of this RTI application, free of cost.

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



CENTRAL INFORMATION COMMISSION  
CIC NEW BUILDING, CIC BHAWAN  
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**Appeal No.**

**CIC/EATRC/A/2017/171679**

Sh. Kunal M Birwadkar  
Flat No 08, Atomica,  
Acharya Atre Marg, Worli,  
Mumbai -400018,  
Maharashtra  
(9969122834).

Appellant

Verses

Central Public Information Officer,  
Chief Admn. Officer (A)  
Bhabha Atomic Research Center,  
Central Complex, 3<sup>rd</sup> Floor,  
Bare Trombay, Mumbai- 400085.

Respondent

Dated of order

31.08.2018

**Facts:**

1. Above mentioned appeal of the appellant, Shri Kunal M Birwadkar, was disposed of by the Commission on 10.07.2018, with direction to the respondent to enable the appellant to inspect the relevant records and provide the desired information as identified during inspection by the appellant in the context of his RTI application.

2. The respondent vide its letter dated 26.07.2018, informed the Commission that they have called the appellant for inspection of documents pertaining to work orders issued by Sh. P.H. Thyagaraju for the period from April, 2014 to April, 2017. The appellant had sought documents of approx. 1124 pages. The respondent stated that they have informed the appellant that the information sought is voluminous in nature, the documents are being scanned and soft copy will be sent on his email id.

X

**Discussion/observation:**

3. On perusal of letter dated 26.07.2018 of the respondent, it is observed by the Commission that directions of the Commission given at para no. 14 have been complied with.

**Decision:**

4. As the respondent has complied with the directions of the Commission given at para no. 14, no further action is required and accordingly the matter is closed at Commission's level.



*Radha Krishna Mathur*  
Chief Information Commissioner

Authenticated True Copy

*S.C. Sharma*  
(S.C.Sharma)  
Dy. Registrar