

**Central Information Commission**  
**Appeal No.CIC/WB/A/2007/01276-SM & CIC/WB/C/2008/00029-SM dated 12.06.2007**  
**Right to Information Act-2005-Under Section (19)**

**Dated 11.02.2009**

**Appellant : Shri Nittan Bhatia**

**Respondent : MES, Bareilly Cantt., Ministry of Defence**

The Appellant is present.

On behalf of the Respondent, the following are present:-

- (i) Shri Megh Singh, AE
- (ii) Shri Jatinder Thakur, JE
- (iii) Shri S.N. Singh, SE

There is one appeal and one complaint filed by the same person. Both the cases, being on the same subject, are being taken up together for hearing.

The brief facts are these cases are as under.

2. The Complainant/Appellant had wanted to know from the CPIO, in his letter dated 12 June 2007, about a number of communications between the said Public Authority and the enterprise represented by the Complainant/Appellant. The CPIO, quite belatedly, wrote to him asking him to deposit additional amount for the many questions that he had asked. Finally, in his letter dated 31 August 2007, that is nearly a month and a half after the stipulated period, he provided some information to the Appellant. Not satisfied with this reply, the Appellant approached the first Appellate Authority on 6 September 2007. That Authority decided his appeal in its order dated in September 2007 and provided some further clarification on the information already supplied. The Appellant has come to the Commission in second appeal as he is not satisfied with the reply received from both the CPIO and the first Appellate Authority.

3. We heard the submissions of both the sides at length. We also carefully examined all the papers and documents filed before us by both the sides. The Complainant/Appellant had wanted to know about the authentic proof that the CWE had sent the papers of reclassification to M/S Jagan Nath Bhatia (Index No E-Bar 8). In the reply given by the CPIO and, later, by the first Appellate Authority, it was claimed that the relevant dispatch details were no longer available and it was possible that these papers might have been collected by the said enterprise by hand. However, in the written comments filed with the Commission in the course of this appeal, the Respondent has stated that 85 such contractors were sent the said papers by registered/speed post and one was delivered with those papers by hand though the evidence of delivery by hand,

i.e., the signature of the contractor was not held in its records. The fact that the Respondent has produced the dispatch details as above in its written comments shows that the dispatch records exist. We, therefore, find it difficult to accept that the CPIO and the first Appellate Authority should have denied the authentic proof of having sent the papers of reclassification to the said enterprise. We now direct the CPIO to verify and crosscheck its records and provide, within 10 working days from the receipt of this order, a copy of whatever proof exists in support of its claim that the reclassification papers had indeed been sent to the said enterprise. If no such proof exists, he should categorically state so in his reply.

4. Another issue which the Appellant raised during the hearing, rather strongly, pertained to the authority under which the CWE had the competence to stop the work of GE (E), Bareilly without disclosing the reason for doing so. Though the Respondent had already provided him with a copy of some rules and regulations in this regard, we would still like to direct the CPIO to provide him with the copy of the relevant manual/authority which empowered the CWE to stop the work of GE(E), Bareilly without disclosing the reason.

5. With the above directions, we dispose of these two appeals.

6. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**  
**Information Commissioner**

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.

**(Vijay Bhalla)**  
**Assistant Registrar**