

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या/ Second Appeal No. CIC/WRAIL/A/2018/168251

In the matter of:

Pawan Parik

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO ,
The Divisional Railway Manager,
Western Railway,
Ahmadabad, Gujarat.

...प्रतिवादीगण /Respondent

Relevant dates emerging from the appeal:

RTI : 18.07.2018	FA : 28.08.2018	SA : 21.11.2018
CPIO : Not on record	FAO : Not on record	Hearing : 28.07.2021

The following were present:

Appellant: Shri Pawan Parik, heard over the phone

Respondent: Shri Gaurav Jain, ACM, Western Railway, Ahmadabad, heard over the phone

ORDER

Information Sought:

The appellant filed a RTI application on 18.07.2018, seeking information on eleven points regarding tea shop of Shri Damodar Das, father of Prime Minister Shri Narendra Modi, located at Vadnagar railway station, Ahmadabad, including, inter-alia;

- 1) What was the lease period of the tea stall/shop of Shri Damodar Das, father of Prime Minister Shri Narendra Modi, located at Vadnagar Railway station under Ahmedabad Railway Division and when was the license/permit for that tea stall/shop issued?
- 2) Provide a certified copy of the relevant documents regarding the date on which permit and license was issued by the Railway Department to the said tea stall/shop, located at Vadnagar Railway station.
- 3) Provide a certified copy of the advertisement issued by the then Railway Authority for the establishment of the said tea stall/shop.
And other related information.

Having not received any information from the CPIO, the appellant filed **first appeal** dated 28.08.2018 which was not disposed of by the FAA.

Grounds for Second Appeal:

The appellant filed second appeal u/s 19 of the Act on the ground of non-receipt of information by the respondent. He requested the Commission to direct the CPIO to provide the information sought for and take appropriate legal action against the respondent.

Submissions made by Appellant and Respondent during Hearing:

Appellant reiterated the contents of his RTI application and submitted that CPIO's reply was received by him on 23.06.2020 i.e. after a delay of more than 2 years. He further submitted that no specific reply was given by the respondent. He requested the Commission to direct the CPIO to provide the information sought for.

Per contra, the Respondent contended that no RTI application and First Appeal of Appellant was received by him till date. The respondent submitted that on receipt of notice of second appeal from the Commission, the respondent got the RTI application of appellant on 17.06.2020. Thereafter pointwise reply to the RTI application had been given by the respondent on 23.06.2020. Respondent further submitted that the Vadnagar Railway Station was the part Rajkot Division, prior to 2003 and thereafter, the Vadnagar Railway Station came under Ahmadabad Division. The respondent further submitted that the information sought by the Appellant was too old and no record of that period was maintained by the Ahmadabad Division. Hence, no information left unattended on the part of respondent and the instant appeal being devoid of merit, is liable to be dismissed.

Decision:

The Commission, after hearing the submissions of both the parties, perusal of records and considering the averment made by the respondent, directs the respondent to file an affidavit with the Commission deposing that RTI application and **first appeal** of the appellant were not received by him prior to 17.06.2020. The respondent is further directed to depose in his affidavit that no record relating to information sought on point nos. 1 to 11 of the RTI application are available with him as per RTI provision, hence, no information can be provided to the

complainant. A copy of the affidavit shall also be provided to the appellant. The above directions of the Commission shall be complied with, within a period of 15 days from the date of receipt of a copy of this order.

With the above observations, the appeal is disposed of.

Copy of the decision be provided free of cost to the parties.

The appeal, hereby, stands disposed of.

Amita Pandove (अमिता पांडव)

Information Commissioner (सूचना आयुक्त)

दिनांक / Date 28.07.2020

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

B. S. Kasana (बी. एस. कसाना)
Dy. Registrar (उप-पंजीयक)
011-26105027

Addresses of the parties:

1. The First Appellate Authority (FAA)
Western Railway,
Divisional Railway Manager,
Ahmedabad, Gujarat
2. The Central Public Information Officer
Western Railway,
Divisional Railway Manager,
Ahmedabad, Gujarat

3. Mr. Pawan Parik

