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

File No : CIC/CBRUI/A/2019/100528

Vihar Durve

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

Central Bureau Of Investigation
AC - VI, Investigation Team, 5th
Floor, CGO Complex, Lodhi
Road, New Delhi.

... प्रतिवादीगण /Respondent

Date of Hearing : 12/01/2021

Date of Decision : 12/01/2021

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on : 14/09/2018

CPIO replied on : 30/10/2018

First appeal filed on : 10/11/2018

First Appellate Authority order : 22/11/2018

Second Appeal dated : 20/12/2018

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Information sought and background of the case:

The Appellant sought information through eight points pertaining to lookout notice/detention notice/circular (LoC) issued on October 2015 relating to Vijay Mallya including, inter-alia;

1. Furnish a copy of Look out notice / detention notice /Lookout Circular (LoC)

issued on October 12,2015, and /or October 16,2015 and or Look out notice / detention notice / Lookout Circular (LoC) in October 2015 relating to Vijay Mallya.

2. Furnish a Copy of Lookout circular (LoC) inform notice/Lookout on arrival Circular (LoC) etc etc issued on 24 November, 2015, or last week in November 2015 relating to Vijay Mallya.

3. Provide the Name and Designation of Officer who authorized to change/ alter /from Lookout notice /Lookout circular (LoC) detention notice issued on October 12, 2015 or October 16, 2015, to Lookout Circular (LoC) inform notice/Lookout on arrival Circular (LoC) etc etc issued in last week of November, 2015 or November 24, 2015, relating to Vilay Mallya.

4. Provide a Copy of Act, Guidelines, Circulars, Notifications, office Memorandum Rules and Regulations, Copy of Act etc etc relating to Look out notice/ detention notice /Lookout Circular (LoC) was issued on October 12, 2015 / Lookout circular (Loc) in October 2015 relating to Vijay Mallya.

5. Furnish a Copy of Act, Guidelines, Circulars, Notifications, Office Memorandum Rules and Regulations, Copy of Act etc etc relating to Lookout Circular (LoC) inform notice etc etc issued in last week of November, 2015, or November 24 2015 relating to Vijay Mallya.

6. Any other relevant details from Year 2015 to 2018 relating to point no. 1 to 8 herein mentioned in this RTI.

7. Furnish me Telephone Number and Email Id of central public Information officer and Appellate Authority as per official Memorandum of Dept of personnel and training available on www.rti.qov.in > Circulars.

8)Furnish me exact web link of above information on your official web site in compliance to Dept of Personnel & Training , circulars guidelines e.g.No.1/1/2013-IR/2014 uploading of RTI replies etc issued from time to time available on www.tri.gov.in> circulars.

The CPIO, on 30.10.2018, denied information under 8(1) (h) of RTI Act, 2005. Being dissatisfied, the appellant filed a First Appeal dated 10.11.2018. FAA's order dated 22.11.2018 upheld the reply of CPIO.

Grounds for the Second Appeal:

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Present through video conference.

Respondent: Ravi Gambhir, SP & CPIO present through intra-video conference.

The Appellant stated that the square denial of the information sought for under Section 8(1)(h) of the RTI Act by the CPIO & the FAA is not appropriate as the case pertains to tenable allegations of corruption against Vijay Mallya for defaulting a loan of over Rs. 9000 crore which is effectively public money and therefore the said information is crucial for the citizens. He further stated that as such disclosure of the guidelines/circular related to the conversion of look-out notice to inform notice as sought for at points no. 4 & 5 of the RTI Application will not impede the process of investigation and prayed that relief be ordered in the matter.

The CPIO submitted that primarily the queries of the Appellant are not very clear in terms of what guidelines he is referring to, as such they follow the Delhi Special Police Establishment Act, 1946 which is available in the public domain and copy of which can be provided to the Appellant, if the Commission so directs. He further submitted that at the time of reply to the RTI Application the extradition case of Vijay Mallya was pending before the Court of Law in London and as on date two cases against him are pending investigation, in one of these cases the Chargesheet has been filed, while in the other case, investigation is underway. He furthermore submitted that it is for the said reasons that the information sought for was denied to the Appellant under Section 8(1)(h) of the RTI Act.

Decision

The Commission observes from a perusal of the facts on record that neither the CPIO's reply nor the FAA's order on record convey the proper reasons for invoking Section 8(1)(h) of the RTI Act. Likewise, the Commission concedes with the contention of the Appellant that the information sought for at points no. 4 & 5 of the RTI Application was concerned with rules and regulations and as informed by

the CPIO that DSPE Act is relevant to the said paras, it was incumbent upon the CPIO to have provided this information in response to the RTI Application.

Further, the Commission based on the explanation of the CPIO tendered during the hearing for invoking Section 8(1)(h) of the RTI Act for the remaining points i.e points no. 1-3 & 6 of the RTI Application finds that the denial of the information appears to be in order. However, points no. 7 & 8 merely sought for the particulars of the CPIO & FAA which should have been provided by the CPIO.

In view of the foregoing observations, the Commission directs the CPIO to provide a revised reply to the Appellant incorporating a cogent and descriptive justification for denying the information sought for under Section 8(1)(h) of the RTI Act. Further, a copy of the relevant guidelines as referred by the CPIO during the hearing for points no. 4 & 5 of the RTI Application as well as available and specific information for points no. 7 & 8 therein should also be provided to the Appellant. The said information should be provided free of cost to the Appellant within 15 days from the date of receipt of this order under due intimation to the Commission.

The appeal is disposed of accordingly.

Saroj Punhani(सरोज पुनहानि)

Information Commissioner (सूचना आयुक्त)

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(C.A. Joseph)
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