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# First Appeal

To

Date: 20-05-2015

The CGMT (First appellate Authority),  
Karnataka Circle,  
No.1, S.V.Road, Halasuru,  
Bengaluru – 560008

Reference: My application under RTI act 2005 dated 07-03-2015

Subject: Filing the first appeal against the CPIO under section 19 of the RTI act.

Regarding Sir,

With reference to my application under RTI Act, 2005 dated 07-03-2015 and IPO Nos. 67C907020 and 67C907021 dated 06-03-2015, I have to state that:

Agm EST  
20/5

1. I filed my application on 07-03-2015. The fee under RTI Act was paid vide Postal Order Nos. 67C907036 and 67C907037 dated 06-03-2015 drawn in favor of A.O(Cash), O/o CGMT, Inspection Circle, Jabalpur for obtaining certain information regarding.
2. My application received in the O/o CGMT Inspection Circle, Jabalpur on 13-03-2015 and CPIO had forwarded my application to the concern circles on 10-04-2015.
3. I am not satisfied with your replay of your office letter No. RTI/2014-15/C-04/4 Dated @ BG-8 the 11-05-2015 because, I have sought some information from Inspection Circle, BSNL Jabalpur and he had forwarded my application to your office vide letter No. TD/SG-2094/RTI/MJ dated at JBP 10-04-2015 after keeping almost 30 days in his office. I have received the said letter from your office on 14-05-2015. As per RTI act I have to pay the additional charges if I have received the information within 35 days from CPIO/APIO. In this case, I have received information from CPIO after 35 days (almost 60 days). If I have pay the additional charges, I have to get the information within the time limit i.e within 35 days. If delays happen it is not my responsibility. Collecting the additional charges from me is against the RTI act in case as delay is being caused by your department. Moreover I have received from other circles regarding this RTI application with free of cost. I am hereby attaching the reply obtained from other circles for your reference.

I therefore request you to please direct the CPIO to furnish the information to me at the earliest. As the information is not received till date, the CPIO may also be directed to furnish the information for FREE as provided in the RTI Act. 2005.


Agm (Est)  
for n/a al  
22/5



I would also like to request you to inform me the date and time of the hearing of the matter which, I want to either personally attend or being represented by my duly authorized representative.

Verified the contents of this appeal on 20-05-2015.

Thanking you,

  
20/05/2015

Name : M.Jithendra

Address : #511, 3<sup>rd</sup> Main, 17<sup>th</sup> Cross,  
Agrahara Layout, Yelahanka,  
Bangalore, Karnataka  
Pin code – 560064  
Phone No. 9483543300

**Enclosures :-**

- a) My representation dated 27-04-2015 to CPIO Jabalpur
- b) Reply from other circles

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# BHARAT SANCHAR NIGAM LIMITED

(A Govt of India Enterprise)

Office of CGM Telecom, Karnataka Circle, No.1, S.V.Road, Halasuru, Bengaluru-560008

To

Sri. M. Jithendra, No. 511,  
3<sup>rd</sup> Main, 17<sup>th</sup> Cross, Agrahara Layout,  
Yelahanka, Bangalore 560 064

No.RTI ACT-2005/Appeal/2015-16/A-1 dtd at BG - 8, the 29.05.2015

Sub: First Appeal under RTI from Sri. M. Jithendra, Bangalore dated 20.05.2015.

Ref : 1. Your RTI application dated: 07.03.2015 received from CPIO, Jabalpur  
vide letter No. TD/SG-2094/RTI/MJ dated 10.04.2015.

2. The CPIO reply Lr. No. RTI/2014-15/C-4 dated: 11.05.2015.

## **History of the case:**

The Appellant, Shri. M. Jithendra in his RTI application dated 07.03.2015 addressed to Shri. Rahul Dongre, APIO, O/o CGM, Inspection Circle, Sanchar Vikas Bhavan, Residency Road, Jabalpur, Madhya Pradesh 482 001 had sought certain information. The AGM(Admn) & APIO, Inspection Circle, Jabalpur vide his letter dated 10.04.2015 requested the CPIO O/o CGMT, Karnataka Telecom Circle, Bangalore to provide information in respect of Point (c) & (d) as according to him it pertains to Karnataka Circle. The letter of AGM(Admn) & APIO, Inspection Circle, Jabalpur letter dated 10.04.2015 was received by the CPIO on 23.04.2015.

## **Contention of the Appellant:**

Now the Appellant in his appeal-dated 20.05.2015 has stated that he is not satisfied with the reply of this office letter dt 11.05.2015 wherein an additional amount of Rs.50/- towards copying charges etc has been asked to be remitted to this office. According to the Appellant, he had sought some information from Inspection Circle, BSNL, Jabalpur and they had forwarded his application to this office vide letter No. TD/SG-2094/RTI/MJ dated at JBP 10.04.2015, after keeping almost 30 days in that office. He has stated to have received the said letter of this office dt: 11.05.2015 on 14.05.2015. According to the Appellant, as per RTI ACT, he has to pay the additional charges only if he has received the information within 35 days from CPIO/APIO and in this case, he received information from CPIO after 35 days (almost 60 days). As per the Appellant, if he has to pay the additional charges, he has to get the information within the time limit i.e. within 35 days. If delays happen it is not his responsibility and collecting the additional charges from him is against the RTI Act in case the delay is on the part of the Department. Moreover he has received from other Circles information regarding this RTI application with free of cost.

## **Observations of CPIO**

Immediately on receipt of the above said letter from CPIO, Inspection Circle, Jabalpur, a note was sent to the concerned unit in this office seeking to know the availability of the information sought by the Appellant. Concerned unit in this office intimated to the RTI Section that the information sought contains 14 pages and additional charges may be collected from the Appellant before furnishing the information. Accordingly, a letter dt 11.05.2015 was sent to the Appellant, Shri M. Jithendra asking him to remit an amount of Rs. 50/- (Rupees fifty only) towards the cost of collecting information, which includes the copying/packing charges with postages by Registered/Speed post. The entire exercise by CPIO, O/o CGMT, Karnataka Circle had taken only 18 days that is from 23.04.2015 to 11.05.2015,

which means if the payment was made by the Appellant immediately on receipt of the letter dt 11.05.2015, there was sufficient time for the CPIO to furnish the information within the stipulated time of one month.

From the above, it will be seen that there is no delay on the part of CPIO, O/o CGMT, Bangalore in furnishing the information. The letter from Inspection Circle, Jabalpur was received by CPIO, O/o CGMT, Bangalore only on 23.04.2015. It was processed quickly and the Appellant was intimated regarding the payment for the information to be supplied to him vide letter 11.05.2015. The Appellant himself has admitted that he had received the letter of CPIO, O/o CGMT, Bangalore letter dt 11.05.2015 seeking additional charges on 14.05.2015. This means the Appellant had been intimated with regard to the payment to be made in 21 days. **Had the Appellant made the payment quickly, he was in a position to get the information within the stipulated period of 30-35 days.**

As a matter of fact, the Appellant in his original RTI application dated 07.03.2015 addressed to Inspection Circle, Jabalpur has sought such information which are not available with them. Hence the Inspection Circle, Jabalpur referred point (c) and (d) of the application to the CPIO O/o CGMT, Karnataka for which neither the Inspection Circle, Jabalpur nor the CPIO, O/o CGMT, Bangalore are responsible, but only the Appellant is responsible. The Appellant should have addressed a separate RTI application addressed to CPIO, O/o CGMT, Bangalore in respect of point No. (c) and (d) of his RTI application addressed to CPIO, Inspection Circle, Jabalpur instead of clubbing information required which are available with different Public Authorities into one RTI application and submitting it to one particular CPIO. This is the reason as to why the so-called delay in receiving the information has occurred. Hence, collection copying, package and postal charges of Rs. 50/- from the Appellant is in accordance with the provision of the RTI Act.

#### **DECISION**

I have carefully considered the grounds on which the First Appeal dated 20.05.2015 has been preferred. Also, gone through the observations made by the CPIO and the office records available in the matter. From the observation of the CPIO, it is seen that prompt action was taken by CPIO to convey the additional charges on photocopying etc., to the Appellant. Had the Appellant also taken prompt action to make the payment, he would have received the information within the prescribed time limit.

In the light of the above discussions and findings, the undersigned, being the First Appellate Authority for the above Public Authority, is of the view that the action taken by the CPIO for collection of Rs. 50/- from the Appellant towards copying, package and postal charges of the information to be supplied to the Appellant is in order. CPIO is hereby directed to provide the information sought by the Appellant as soon as the payment towards copying charges, as already intimated to him, is received.

The appeal is accordingly disposed of.

  
(R.K Misra)  
Appellate Authority & CGM Telecom.  
Karnataka Circle, Halasuru, Bengaluru-08.  
Ph: 080 – 25362323, Fax No. 25369165.

The next Appellate Authority is, the Chief Information Commissioner, Club Building, Near Post Office, Old J N U Campus, New Delhi – 110 067