



सत्यमेव जयते

भारत सरकार, वाणिज्य एवं औद्योगिक मंत्रालय
वाणिज्य विभाग, विकास आयुक्त का कार्यालय,
मेप्स विशेष आर्थिक क्षेत्र, तमिलनाडु, पांडिचरी,
अंडमान और निकोबार द्वीप समूह के शत-प्रतिशत
निर्यात अभिमुख एकक, चेन्नै - 45.

Government of India, Ministry of Commerce and Industry,
Department of Commerce,
Office of the Development Commissioner,
**MEPZ SPECIAL ECONOMIC ZONE &
HEOUs in Tamil Nadu, Pondicherry,
Andaman & Nicobar Island**
Administrative Office Building,
National Highway-45, Tambaram, Chennai - 600 045.

F.No.RTI/422/2019-20
Dated:26.09.2019

4789

**Sub: First Appeal under Section 19(1) of the RTI Act, 2005 against the reply given
vide letter No.RTI/413/2019-20/4251 dated 23.08.2019 by CPIO/Specified
Officer, MEPZ SEZ, Chennai – Reg.**

Ref: Appeal dated 4th September 2019.

Decision of the First Appellate Authority

An application dated 26.07.2019 under RTI Act, 2005, seeking certain information was received by the CPIO, O/o Development Commissioner, MEPZ-SEZ, from Shri Sameer Sardana, D-113, Sector 4, Defence Colony, Dehradun, Uttarakhand – 248 001, hereinafter referred to as “the Appellant”.

The CPIO vide letter No.RTI/413/2019-20/4251 dated 23.08.2019 had furnished his reply to the application under RTI sent by the Appellant.

Not satisfied with the information furnished by the CPIO, the Appellant vide his email dated 4th September 2019 had filed an Appeal before me, the First Appellate Authority of MEPZ-SEZ, Department of Commerce, Government of India, Tambaram, Chennai-45, under Rule 19(1) of the RTI Act, 2005.

The important issues raised by the Appellant in his Appeal are as follows:-

- That the CPIO has not replied to some specific information requirements at all.
- That the CPIO has made replies which make no sense.
- That the CPIO has not made transfer under section 6(3) of RTI Act, 2005.
- That the CPIO has asked for fees for furnishing the Annual Report.

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The Appellant had also demanded for a hearing of the Appeal and his presence in the hearing of the Appeal. He had also demanded for a original copy of the response of the CPIO with respect to his Appeal before the First Appellate Authority, at least 5 days before the day of hearing. He had also stated in his Appeal that if it cannot be sent for any reason, the reply of the CPIO to the Appeal should be handed over to the Appellant on the day of hearing of the Appeal. He had further stated that if the Appellant cannot attend the hearing of Appeal, he would send a written representation, whereupon the First Appellate Authority should conduct a second hearing for arguments wherein the Appellant would again submit his riposte to the response of the CPIO.

The Appellant has further demanded that since the CPIO has rejected the information sought by him, the CPIO has to now furnish the information free of cost under Section 7(6) of the RTI Act, 2005.

As per the demand made by the Appellant for hearing of his Appeal and for his presence in the hearing of the Appeal, a Notice was given to both the Appellant and CPIO to appear before me for an hearing at 4.30 p.m. on 20th September 2019 in the Office of the Joint Development Commissioner, MEPZ-SEZ, Department of Commerce, Government of India, Administrative Office Building, NH45, Tambaram, Chennai-600 045. The Appellant was given an option to either appear in person or through his duly authorised representative. The CPIO was also directed to send a Counter Reply to the Appeal filed by the Appellant at least 5 days before the day of hearing.

In accordance with the directions given to the CPIO, the CPIO has vide letter No.RTI/422/2019-20/4610 dated 14.09.2019 given his Counter Reply to the Appeal and the same is seen to have been sent to the Appellant by Speed Post on 14.09.2019 and delivered to the Appellant on 17.09.2019. It was also sent by email to the Appellant on the same day.

On the appointed date of hearing, the Appellant neither appeared for the hearing nor had till then responded to the Counter reply sent to him. Therefore, another opportunity was given to the Appellant to appear for a hearing, in person or through his duly authorised representative at 4.00 p.m. on 25th September 2019 in the Office of the Joint Development Commissioner, MEPZ-SEZ, Department of Commerce, Government of India, Administrative Office Building, NH45, Tambaram, Chennai-600 045. A notice for the second hearing was issued to the Appellant on 20.09.2019.

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Meanwhile, vide email dated 24.09.2019, the Appellant had submitted his written representation for the hearing of the Appeal. In the said email, the Appellant had informed that he will not be in a position to appear for the hearing to be held on 25.09.2019 and he had requested the First Appellate Authority to pass an Order based on his appeal and the representation. While highlighting the public interest in the information sought by him, the Appellant had asked the PIO to provide all the information sought, free of cost and make all the transfers under section 6(3) of the RTI Act, 2005 to the concerned public authorities.

The Appeal and the written representation sent by the Appellant were perused in detail. On examination of the Counter Reply sent by the CPIO to the Appellant, it is seen that the CPIO has admitted to the fact that the information provided earlier to the Appellant has inadvertently not been furnished in a proper manner due to oversight. Further, the CPIO has stated that he has re-examined the RTI application and the information furnished by him vide letter dt.23.08.2019 and that he has now once again furnished the information in a proper format covering all the points on which the information was sought by the Appellant, along with the pointwise reply to the issues raised in the Appeal.

On perusal of the revised information provided by the CPIO to the Appellant on 14.09.2019 along with the Counter Reply, it is seen that as compared to the information earlier furnished by the CPIO vide letter dt.23.08.2019, the revised information furnished by him now is complete and covers all the points on which the information was sought by the Appellant in his RTI application.

In specific to the issues raised by the Appellant in his Appeal, it is seen that the CPIO has taken the following actions:-

a) Wherever the CPIO had not provided any information, the CPIO has now furnished the required information to the Appellant.

b) Wherever the Appellant has felt that the information provided makes no sense, the CPIO has now provided the necessary information and clarification.

c) Wherever the CPIO has failed to transfer the application under section 6(3) of the RTI Act, 2005, the CPIO has now transferred the application to the CPIO of the concerned Departments/Agencies.

d) As regards furnishing of Annual Report of MEPZ-SEZ in e-format, the CPIO has now provided the Annual Reports in a Compact Disc (e-format) as desired by the Appellant.

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On the whole, it is seen that the CPIO has now furnished all the available information as sought by the Appellant in his RTI application dated 26.07.2019 and has also taken necessary action on the specific issues raised by the Appellant in his Appeal. Further, it is seen that the Counter Reply of the CPIO along with the revised information were sent to the Appellant vide letter No.RTI/422/2019/20/4610 on 14.09.2019 and the same has been delivered to the Appellant on 17.09.2019. It was also sent by email to the Appellant on 14.09.2019. Therefore, it can be inferred that before sending the written representation on 24.09.2019, the Appellant has already received the Counter Reply and the revised information sent to him by the CPIO. Since the Appellant, having received the revised information from the CPIO, has not raised any issues in his written representation dated 24.09.2019 with regard to the deficiencies, if any, in the revised information furnished by the CPIO, it can further be inferred that the Appellant is now satisfied with the information as provided by the CPIO vide letter No.RTI/422/2019-20/4610 dated 14.09.2019.

Also, as demanded by the Appellant, the CPIO has furnished the information free of cost.

Hence, it can be concluded that the CPIO has taken the necessary action in pursuance of the Appeal filed by the Appellant. However, the CPIO is hereby instructed that in future, he shall be more careful and vigilant in replying to the applications under the RTI Act, 2005 and ensure that the information sought by the applicant are furnished strictly in the manner prescribed under the Act.

The Appeal is hereby disposed.

If the Appellant is not satisfied with this Order, he may prefer an appeal with the 2nd Appellate Authority whose address is given below, within 30 days of the date of this letter:-

**Central Information Commissioner,
II Floor, C Wing,
August Kranti Bhavan,
Bikaji Cama Place,
New Delhi-110 006.**



**(D. ANANDAN)
FIRST APPELLATE AUTHORITY &
JOINT DEVELOPMENT COMMISSIONER**

To

Shri Samir Sardana,
D-113, Sector 4,
Defence Colony,
Dehradun,
Uttarakhand – 248 001.

Copy to:

→ The CPIO/ Superintendent of Customs, MEPZ SEZ,
Department of Commerce, Government of India, Chennai-45.

ET 2369638062v

RECEIVED ON

26-9-19

Despatched by Meez-507