

## CENTRAL INFORMATION COMMISSION

Appeal: No. CIC/PB/A/2006/00063

Dated, the 19<sup>th</sup> June, 2006

Name of the Appellant : Shri Kailash Mishra  
317, 11<sup>th</sup> Floor, Akansha Complex,  
Zone-I, M.P. Nagar, Bhopal

Name of the Public Authority : Bharat Sanchar Nigam Limited  
10<sup>th</sup> Floor, East Wing, Chandralok  
Building, 36 Janpath, New Delhi

### ORDER

#### Brief Facts:

Shri Kailash Mishra of Bhopal applied to PIO, BSNL on 17 June 2006 seeking information about the projects completed by Switching and Installation Wing of the BSNL in the Bhopal circle. BSNL wrote back to him asking him to deposit Rs.9810/- which included Rs.9732/- for the man hours utilized to collect the information to be supplied. The first Appellate Authority to whom Shri Mishra applied on 20 February 2006 communicated to him on 18<sup>th</sup> March 2006 that the additional fee was justified. Thereafter the Appellant filed an appeal with this Commission.

2. The matter was heard on 19<sup>th</sup> June, 2006 by a bench comprising Dr. O.P. Kejariwal and Dr. M.M. Ansari, Information Commissioners. The Appellant appeared in person. No one appeared on behalf of BSNL.

#### Decision:

3. On a clarification sought by the Commission, the Appellant stated that as far as he knows, all the information he requested for was available at the circle office of the department at Bhopal.

4. After pursuing the provisions of Section 7 of the RTI Act and the fee rules prescribed thereunder the Commission concluded that such action of the department was only a subterfuge for avoiding supply of information to the Appellant. Since all the information was available at one place, there was no reason for deployment of extra manpower for supplying the information. It also regretted that the BSNL had not responded to the Appellant's request for providing details of computation whereby the Department had arrived at the above figure.

5. The Commission hereby orders the Respondent to show all the files/records relating to the information asked for by the Appellant vide his letter dated 17.1.2006 and provide him copies of the documents he desires at the fee prescribed under the Act. There was no doubt in the Commission's mind that calculating and demanding the fee from the applicant showed an utter disregard for the letter and spirit of the Act and was obviously a malafide attempt on the part of CPIO, BSNL for denial of information. The Commission directs him to explain within 15 days of the issue of this Order why the penalties envisaged in Section 20 of the RTI Act be not imposed upon him.

6. The matter is posted for hearing on 11<sup>th</sup> July, 2006.

Sd/-  
(M.M. Ansari)  
Information Commissioner

Sd/-  
(O.P. Kejariwal)  
Information Commissioner

Authenticated true copy:

Sd/-  
(Pankaj K.P. Shreyaskar)  
Assistant Registrar

Cc:

1. Shri Kailash Mishra, 317, IIIrd Floor, Akansha Complex, Zone-I, M.P. Nagar, Bhopal
2. Shri Rakesh Babu, Public Information Officer, Bharat Sanchar Nigam Limited, 10<sup>th</sup> Floor, East Wing, Chandralok Building, 36 Janpath, New Delhi-110001.