



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/AT/A/2010/001144/SS

Dated: 08.02.2012

Name of Appellant : Shri S.M. Shinde
Name of Respondent : Office of the Commissioner of Customs
(Import), Mumbai-I
Date of Hearing : 18.01.2012

ORDER

Shri S.M. Shinde, the appellant has filed this appeal dated 27.10.2010 before the Commission against the Office of the Commissioner of Customs (Import), Mumbai for denial of information to his RTI-request dated 12.8.2010. The matter came up for hearing on 18.01.2012 through videoconferencing. The appellant was present at NIC Videoconferencing Facility Centre, Raigad whereas the respondent were represented by Shri Ranjeet Kumar, Assistant Commissioner & CPIO at Videoconferencing Facility Centre, Mumbai.

2. The appellant filed an RTI application dated 12.8.2010 seeking the following information *"Please let me know the number of files in each setion under the Commissionerate, separately, having Revenue Implication of Rs. 5 lakhs and above, stated to be missing/untraceable, time from which it is stated to be missing, whether any enquiry was conducted to fix responsibility of any official for the said file going missing/becoming untraceable, Name of the official who has been held responsible for the said negligence and final action taken against the said official in the following format"*:

<i>File No.</i>	<i>Revenue involved</i>	<i>Missing/untraceable since</i>	<i>Whether enquiry held for fixing responsibility</i>	<i>Name of the official held responsible</i>	<i>Final action taken against the official</i>

The CPIO vide letter No.RTI/IMP-79/2010 dated 17.9.2010 held that the appellant is attempting to cause inquiry into the nature and manner of functioning of the Department as a whole and appears to be trying to sit over judgement by demanding explanation from the public authority, for which he is not entitled. As such it cannot be treated as information under the provisions of the RTI Act, 2005. Therefore, it does not merit any consideration to be responded to.

3. Aggrieved by the reply of the CPIO, the appellant preferred first-appeal on 28.9.2010 before the FAA. The FAA vide order No. RTI/IMP/APPEAL-16/2010 dated 27.10.2010 rejected appellant's first appeal with the observation that the appellant is attempting to cause an inquiry into the entire establishment about all the missing lost files having revenue implication. From the address given in the letter of the appellant appears to be a departmental officer. He is then of course in the knowledge of the fact that there is no such record prescribed or maintained. The record of the office is kept safe for many years altogether and any loss when reported is quickly searched for, reconstructed or acted upon in the manner prescribed. The information sought by the appellant does not point out any such fact which can be considered to be information as per the definition under Section 2(f) of the RTI Act.

4. During the hearing the respondent submitted that the appellant has not even mentioned the specific period for which information is sought. The information sought by him is vague in nature, which cannot be complied with. The appellant submitted that the information sought by him is already available with the CPIO as the respondent's office regularly submits a Monthly Technical Report to various authorities. To which the respondent submitted that the Monthly Technical Report incorporate many details which are tabulated under various Heads and Columns. There is no Heading nor is there any column meant for missing files in the Monthly Technical Report.

5. Having heard the parties, the Commission is of the view that the information sought is not specific and there is nothing in his RTI petition which can be defined as "information" as prescribed u/s 2(f) of the RTI Act. The replies of the respondent are upheld.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri S.M. Shinde,
G004, Ground Floor,
Shreeji Residency, Plot No. 61/8,
Old Thana Naka Road,
Near H.O.C. Colony,
Panvel-410206.

The CPIO,
Office of the Commissioner of Customs (Import),
New Custom House, Ballard Estate,
Mumbai-40001.

The First Appellate Authority,
Office of the Commissioner of Customs (Import),
New Custom House, Ballard Estate,
Mumbai-40001.