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By Registered Post/Ad

No. IREDA/DF/RTI/2006-07/III/

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Dated: 11th June, 2014

Shri Shivendra Nath Trivedy
House No.63, Opposite Raghunath Petrol Pump,
Bailey Road, Danapur Cantt,
Patna 801 503

Sub:- Your appeal dated 20th May, 2014 under RTI Act – disposal of appeal req.

Dear Sir,

This has reference to your appeal vide letter dated 20th May, 2014 seeking the information on "the procedure for selling a operational grid connected and operational Solar Power Plant set up under the first phase of Jawaharlal Nehru National Solar Mission's Rooftop PV & Small Solar Power Generation Programme (RPSSGP) scheme along with the land on which the project has been set up".

2. In this connection, we have perused the appeal viz-a-viz reply of CPIO and are of the opinion that the desired information has already been provided to you. Moreover, it is the scheme of MNRE on which we cannot comment. As per the provisions of RTI Act, 2005, IREDA can provide the available information/document in the available form only which has already been provided to you.

The appeal is disposed off accordingly.

Yours faithfully



(S K Bhargava)

Director (Finance) and Appellate Authority
under Right to Information Act, 2005

Copy to:- CPIO, IREDA for kind information



प्राप्ति की तारीख..... समय.....
जारी करने की तारीख 12-6-14
डाक किसने भेजा 12-6-14
हस्ताक्षर 8

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First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. :RTI/P-976/(8611/14)/Appeal/15454

Dated : 17-10-2014

To

Shri S.K. Bhargava
Director (Finance)/Appellate Authority under RTI Act, 2005
Indian Renewable Energy Development Agency Limited (IREDA)
Corporate Office: 3rd Floor
August Kranti Bhawan, Bhikaji Cama Place
New Delhi - 110066

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	A. Bhanu Kiran, CPIO
		(b) Address	Indian Renewable Energy Development Agency Limited 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	01-09-2014	
3.	Details of the order appealed against	No.216/94/MS/2005/IREDA/VOL-XVI/3434 dated 1-10-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	1-11-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 1-9-2014. (Annexure-1) 2. Copy of CPIO's letter dated 1-10-2014. (Annexure-2)	

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BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 01-09-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details of the implementation para 1.0 to 6.1 (including all sub-paras, clauses and sub-clauses) of the Guidelines issued under DOPT Office Memoranda No.1/6/2011-IR dated 15-4-2013*
 - (B) *Please provide date on which information referred to in points 1.1, 1.3, 1.4, 1.6, 2.1, 2.2(a) to 2.2(l), 3.4, 3.5, 3.6, 4.0 and 5.0 of the aforesaid Guidelines has been put in public domain and mode of such disclosure.*
 - (C) *Please provide the name and designation of the Officers who are responsible for implementation of each of the paras 1.0 to 6.1 (including each of the clauses and sub-clauses) of the aforesaid Guidelines.*
 - (D) *Please provide list of the items, paras, sub-paras, clauses and sub-clauses of aforesaid Guidelines have not so far been implemented and name of the official responsible for such non-implementation.*
 - (E) *Please provide date and diary No. under which the aforesaid OM dated 15-4-2013 of DOPT has been received.*
 - (F) *Please provide file Nos. under which the aforesaid OM dated 15-4-2013 has been dealt with and provide photocopies of all note sheets of said file / files.*
 - (G) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information.*

Note: If information sought in point (A) to (D) has not so far been suo-moto disclosed, please provide copies of said information to the application under section 4 of the RTI Act.

Note:-Please provide point-wise information/ response for each of above points.

- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That Shri A. Bhanu Kiran, CPIO vide his order dated 01-10-2014 (**Annexure 2**) has knowingly and malafidely not provided the information to the Appellant on the wrong ground, thereby causing obstruction to the transmission of information to the Appellant being aggrieved by the said order of the PIO, is filing the present Appeal
- (4) That the CPIO has deliberately and malafidely provided incomplete incorrect and misleading information with a view to cause obstruction to the information without any reasonable cause. Therefore, he is liable for penal action under section 20 of the RTI Act, but the First Appellate Authority has no powers to take penal action u/s 20 of the RTI Act, hence the appellant reserves his right to file direct complaint to the CIC for enforcement of section 20 of the RTI Act.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.

- (3) That Shri A. Bhanu Kiran, CPIO has knowingly and malafidely denied the information by making a false statement that DoPT OM dated 15-04-2013 was not received by the IREDA, whereas this OM was duly sent to all the Ministries/Departments. Even otherwise, the said OM was available on the website of the DoPT and the Central Information Commission, which is situated in the same building in which the CPIO's office is located. Therefore, this statement of the CPIO has been made to cause obstruction to the information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That even if it is assumed for the sake of argument that what CPIO has stated above is true, the fact that said DoPT OM was given wide publicity and was placed in the public domain by the DoPT as well as CIC cannot be overlooked. This OM is available on the official website of the DoPT as well as of the CIC. Thus it stands '**electronically notified**' to all the public authorities including the IREDA, thereby imputing '**actual notice**' of the fact (of DoPT aforesaid OM) on the IREDA. Therefore, the statement of CPIO has no merit in the eyes of the law and liable to be rejected and the CPIO may be directed to provide information to the appellant..
- (5) That the DoPT had issued the said OM dated 15-04-2013 by the power vested in it **under section 26 read with section 4 of the RTI Act**. Thus, the direction contained in said OM are not ordinary directions, but 'directions given under the law' and, **ignorance of law is not an excuse (*ignorantia juris non excusat*)** Therefore, the admitted disobedience of the direction given under the law as contained in the DoPT OM dated 15-04-2013 by IREDA on the pretext that they had not received the said direction/OM is not sustainable and warrants an inquiry u/s 18 (2) of the RTI Act in the light of the judgment of Delhi High Court in DDA v. CIC and Anr.; and penal action against the officers responsible for the same u/s 20(1) of the RTI Act. The appellant is also entitled to information which may be ordered accordingly.

- (6) That as per para 4.1 of the DoPT OM dated 15-04-2013 **“Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.”** Further, as per para 5.1 “Each Central Ministry/ Public Authority should appoint a senior officer not below the rank of a Joint Secretary and not below rank of Additional HOD in case of attached offices for ensuring compliance with the proactive disclosure guidelines. The Nodal Officer would work under the supervision of the Secretary of the Ministry/Department or the HOD of the attached office, as the case may be. Nodal Officers of Ministry/Department and HOD separately should also ensure that the formations below the Ministry/Department/Attached Office also disclose the information as per the proactive disclosure guidelines.” Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (7) That the above direction given in DoPT OM was further followed up by DoPT through a reminder OM dated 10-12-2013 which was also sent to all the Ministries/Departments. However, even after this reminder which was also placed on DoPT website the IREDA has failed to obey the direction given under the law. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (8) That the Appellant in his RTI application has clearly stated (in bold letters) that if the information sought in points (A) to (D) has not so far been suo-moto disclosed, the copies of the same be provided to him. However, the CPIO, though admitted the non-compliance of the OM dated 15-04-2013, has knowingly and malafidely not provided the requisite information to the Appellant, thereby willfully causing obstruction to the information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act

and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.

- (9) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (10) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned PIO.
- (11) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (12) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (13) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and PIO/Deemed PIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.

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- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.

Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 17-10-2014

Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-960/8611/14

Dated : 1-9-2014

To

A.B. Kiran
CPIO
Indian Renewable Energy Development Agency Limited
3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi - 110066




1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	<p>(A) Please provide details of the implementation para 1.0 to 6.1 (including all sub-paras, clauses and sub-clauses) of the Guidelines issued under DOPT Office Memoranda No.1/6/2011-IR dated 15-4-2013</p> <p>(B) Please provide date on which information referred to in points 1.1, 1.3, 1.4, 1.6, 2.1, 2.2(a) to 2.2(l), 3.4, 3.5, 3.6, 4.0 and 5.0 of the aforesaid Guidelines has been put in public domain and mode of such disclosure.</p> <p>(C) Please provide the name and designation of the Officers who are responsible for implementation of each of the paras 1.0 to 6.1 (including each of the clauses and sub-clauses) of the aforesaid Guidelines.</p> <p>(D) Please provide list of the items, paras, sub-paras, clauses and sub-clauses of aforesaid Guidelines have not so far been implemented and name of the official responsible for such non-implementation.</p> <p>(E) Please provide date and diary No. under which the aforesaid OM dated 15-4-2013 of DOPT has been received.</p> <p>(F) Please provide file Nos. under which the aforesaid OM dated 15-4-2013 has been dealt with and provide photocopies of all note sheets of said file / files.</p>

		<p>(G) After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information.</p> <p>Note: If information sought in point (A) to (D) has not so far been suo-moto disclosed, please provide copies of said information to the application under section 4 of the RTI Act.</p> <p>Note:-Please provide pointwise information/ response for each of above points.</p>
5.		I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.		A Postal Order No. 27F 664353 for Rs. 10 towards payment of fee is enclosed herewith. You are requested to filling the name in which the Postal Order is payable.
8.		As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.


Signature of Applicant
 Telephone No. : 9810077977
 011-24651101, 24690707
 Fax No. 011-24635243

Place : New Delhi
 Encl. : as above
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Election Commission of India
भारत निर्वाचन आयोग


IDENTITY CARD DL/01/004/306068
पहचान पत्र



Elector's Name: R K JAIN
निर्वाचक का नाम: आर के जैन
Father's/Mother's/
Husband's Name: P D JAIN
पिता/माता/पति का नाम: पी डी जैन
Sex/ लिंग: MALE/ पुरुष
Age as on 1.1.1994: 44
1.1.1994 को आयु:

Address:
C-455 BLOCK-C, DEFENCE COLONY,
NEW DELHI

पता: सी-455 ब्लॉक-सी, डिफेन्स कालोनी, नई दिल्ली



Electoral Registration Officer
निर्वाचक रजिस्ट्रीकरण अधिकारी

KASTURBA NAGAR Assembly Constituency
करतूरबा नगर विधानसभा निर्वाचन क्षेत्र

Place: NEW DELHI Date: 7/12/95
स्थान: नई दिल्ली दिनांक:

This Card may be used as an Identity Card
under different Government Schemes.
इस पत्र का विभिन्न सरकारी योजनाओं के अन्तर्गत
पहचान पत्र के रूप में प्रयोग किया जा सकता है

No. 216/94/MS/2005/IREDA/Vol-XVI/3434

Dated: 1st October, 2014

Sh. R.K. Jain
1512-B
Bhishm Pitamah Marg
Wazir Nagar
New Delhi - 110 003

Speed Post

Sub: Information under Right to Information Act, 2005 – Appl. No. 228/2014.

Sir,

Please refer to your RTI applications dated 01.09.14 received at our end on 02.09.14 seeking information under RTI Act, 2005.

2. Your RTI application has been seen and we revert as under :

SNo	Information Sought	Reply of IREDA
1.	<i>Please provide details of the implementation para 1.0 to 6.1 (including all sub-paras, clauses and sub-clauses) of the Guidelines issued under DOPT Office Memoranda No. 1/6/2011-HR dated 15.4.2013.</i>	No such OM has been received in IREDA as yet. The OM is addressed to Ministries and Govt. Deptt.
2.	<i>Please provide date on which information referred to in points 1.1, 1.3, 1.4, 1.6, 2.1, 2.2(a) to 2.2.(l), 3.4, 3.5, 3.6, 4.0 and 5.0 of the aforesaid Guidelines has been put in public domain and mode of such disclosure.</i>	As above

<p>3.</p>	<p>Please provide the name and designation of the Officers who are responsible for implementation of each of the paras 1.0 to 6.1 (including each of the clauses and sub-clauses) of the aforesaid Guidelines.</p>	<p>As above Name of Transparency Officer in IREDA is Sh. Abhilakh Singh, General Manager (TS)</p>
<p>4.</p>	<p>Please provide list of the items, paras, sub-paras, clauses and sub-clauses of aforesaid Guidelines have not so far been implemented and name of the official responsible for such non-implementation.</p>	<p>As per 1 above</p>
<p>5.</p>	<p>Please provide date and diary No. under which the aforesaid OM dated 15.4.2013 of DOPT has been received.</p>	<p>As per 1 above</p>
<p>6.</p>	<p>Please provide file Nos. under which the aforesaid OM dated 15.4.2013 has been dealt with and provide photocopies of all note sheets of the said file/files.</p>	<p>As per 1 above</p>
<p>7.</p>	<p>After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in point (A) to (F) above. Please provide inspection of complete file(s) even if they contain part of the information.</p>	<p>As per 1 above</p>

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<p><i>Note : If information sought in point (A) to (D) has not so far been suo-moto disclosed, please provide copies of said information to the application under section 4 of the RTI Act.</i></p>	<p>As per 1 above</p>
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3. We hope you will be satisfied with the above. However, in case you are not satisfied and desire to file appeal against this letter, you may do so by addressing your Appeal under RTI to the Appellate Authority in IREDA whose name and address is given below :

Shri S.K. Bhargava
Director (Finance)/Appellate Authority under RTI Act 2005
Indian Renewable Energy Development Agency Ltd,
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi-110066

4. Please also note that the period of limitation under RTI Act is 30 days to prefer an appeal from the date of receipt of this letter.

Thanking you,

Yours faithfully,

ए. भानु किरण

(ए. भानु किरण)

सहायक महाप्रबंधक (विधि)/

सीपीआईओ

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First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. :RTI/P-976/(8612/14)/Appeal/15455
Dated : 17-10-2014

To

Shri S.K. Bhargava
Director(Finance)/Appellate Authority under RTI Act, 2005
Indian Renewable Energy Development Agency Limited (IREDA)
Corporate Office: 3rd Floor
August Kranti Bhawan, Bhikaji Cama Place
New Delhi - 110066

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	A. Bhanu. Kiran, CPIO
		(b) Address	Indian Renewable Energy Development Agency Limited 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	01-09-2014	
3.	Details of the order appealed against	No.216/94/MS/2005/IREDA/Vol-XVI/3433 dated 1-10-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	1-11-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 1-9-2014. (Annexure-1) 2. Copy of CPIO's reply dated 1-10-2014. (Annexure-2)	

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BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 01-09-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
- (A) *Please provide details of the steps taken for implementation of O.M. No. F1/8/2012-IR dated 3-4-2013 for pro-active disclosure of details including expenditure incurred for all foreign and domestic official tours since 1-1-2012 and to update the disclosure once every quarter starting from 1-7-2012 and the date by which you are likely to upload such information on the website.*
 - (B) *In case the above pro-active disclosure has not so far been made, please intimate the name and designation of the Officer responsible in this regard. Please also intimate the name of the Transparency Officer of your Office.*
 - (C) *Please provide details of the steps taken for implementation of Office Memorandum No. 12/31/2013-IR dated 11-2-2013 whereunder the DOPT after taking notice of the practice of CPIOs to intimate the amount of copying fees to the applicant at the fag end of the 30 day's period prescribed for providing information, has directed that the CPIO has to intimate the copying fees payable immediately after receipt of the application so that information seeker deposits the fees and receives the information within the prescribed period of 30 days.*
 - (D) *Please provide copies of all tour orders issued from 1-1-2012 till the date of providing the information and details of the amount of TA/DA paid for each of them.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.

- (3) That Shri A. Bhanu Kiran, CPIO vide his order dated 01-10-2014 (**Annexure 2**) has knowingly and malafidely not provided the information to the Appellant on the wrong ground, thereby causing obstruction to the transmission of information to the Appellant being aggrieved by the said order of the PIO, is filing the present Appeal
- (4) That the CPIO has deliberately and malafidely provided incomplete incorrect and misleading information with a view to cause obstruction to the information without any reasonable cause. Therefore, he is liable for penal action under section 20 of the RTI Act, but the First Appellate Authority has no powers to take penal action u/s 20 of the RTI Act, hence the appellant reserves his right to file direct complaint to the CIC for enforcement of section 20 of the RTI Act.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That Shri A. Bhanu Kiran, CPIO has knowingly and malafidely denied the information by making a false statement that DoPT OMs dated 11-2-2013 was not received by the IREDA, whereas these OMs were duly sent to all the Ministries/Departments. Therefore, this statement of the CPIO has been made to cause obstruction to the information. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That even if it is assumed for the sake of argument that what CPIO has stated above is true, the fact that said DoPT OMs was given wide publicity and were placed in the public domain by the DoPT cannot be overlooked.

These OM are available on the official website of the DoPT. Thus it stands '**electronically notified**' to all the public authorities including the IREDA, thereby imputing '**actual notice**' of the fact (of DoPT aforesaid OMs) on the IREDA. Therefore, the statement of CPIO has no merit in the eyes of the law and liable to be rejected and the CPIO may be directed to provide information to the appellant.

- (5) That the DoPT had issued the said OMs dated 03-04-2013 & 11-2-2013 by the power vested in it **under section 26 read with section 4 of the RTI Act**. Thus, the direction contained in said OM are not ordinary directions, but 'directions given under the law' and, **ignorance of law is not an excuse (*ignorantia juris non excusat*)** Therefore, the admitted disobedience of the direction given under the law as contained in the DoPT OM dated 03-04-2013 by IREDA on the pretext that they had not received the said direction/OMs is not sustainable and warrants an inquiry u/s 18 (2) of the RTI Act in the light of the judgment of Delhi High Court in DDA v. CIC and Anr.; and penal action against the officers responsible for the same u/s 20(1) of the RTI Act. The appellant is also entitled to information which may be ordered accordingly.
- (6) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (7) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned PIO.
- (8) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.

- (9) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (10) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and PIO/Deemed PIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.

Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 17-10-2014

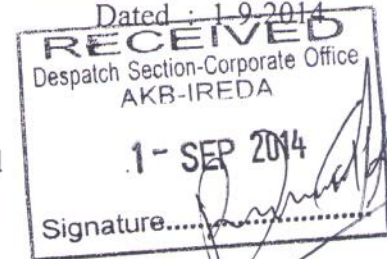
Application under Section 6 of the Right to Information Act, 2005

Ref. No. :RTI/P-960/8612/14

Dated : 1-9-2014

To

A.B. Kiran
CPIO
Indian Renewable Energy Development Agency Limited
3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi - 110066



1.	Name of the Applicant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003
	(b) Phone Nos.	09810077977, 011-24651101, 011-24690707
	(c) Fax No.	011-24635243
3.	Whether a Citizen of India	Yes
4.	Particulars of Information	
	Details of information required	(A) Please provide details of the steps taken for implementation of O.M. No. F1/8/2012-IR dated 3-4-2013 for pro-active disclosure of details including expenditure incurred for all foreign and domestic official tours since 1-1-2012 and to update the disclosure once every quarter starting from 1-7-2012 and the date by which you are likely to upload such information on the website. (B) In case the above pro-active disclosure has not so far been made, please intimate the name and designation of the Officer responsible in this regard. Please also intimate the name of the Transparency Officer of your Office. (C) Please provide details of the steps taken for implementation of Office Memorandum No. 12/31/2013-IR dated 11-2-2013 whereunder the DOPT after taking notice of the practice of CPIOs to intimate the amount of copying fees to the applicant at the fag end of the 30 day's period prescribed for providing information, has directed that the CPIO has to intimate the copying fees payable immediately after receipt of the application so that information seeker deposits the fees and receives the information within the prescribed period of 30 days.

	(D) Please provide copies of all tour orders issued from 1-1-2012 till the date of providing the information and details of the amount of TA/DA paid for each of them. Note:-Please provide pointwise information/ response for each of above points.
5.	I state that the information sought is covered under RTI Act and does not fall within the exemptions contained in sections 8 or 9 or any other provisions of the Right to Information Act, 2005 and to the best of my knowledge it pertains to your office. Information is being sought in larger public interest.
6.	A Postal Order No. 27F 664352 for Rs. 10 towards payment of fee is enclosed herewith. You are requested, to filling the name in which the Postal Order is payable.
8.	As per Section 7 of the RTI Act, 2005 information is to be provided within 30 days of the Application.




Signature of Applicant
Telephone No. : 9810077977
011-24651101, 24690707
Fax No. 011-24635243



Place : New Delhi

Encl. : as above

Hira/---8612
asn


Election Commission of India
 भारत निर्वाचन आयोग


IDENTITY CARD DL/01/004/306068
 पहचान पत्र

Elector's Name: **R K JAIN**
 निर्वाचक का नाम: आर के जैन
 Father's/Mother's/
 Husband's Name: **P D JAIN**
 पिता/माता/पति का नाम: पी डी जैन
 Sex/ लिंग: **MALE/पुरुष**
 Age as on 1.1.1994: **44**
 1.1.1994 को आयु: 44

Address:
**C-455 BLOCK-C, DEFENCE COLONY,
 NEW DELHI**

पता: सी-455 ब्लॉक-सी, डिफेन्स कालोनी, नई दिल्ली

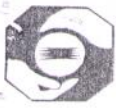


Electoral Registration Officer
 निर्वाचक रजिस्ट्रार अधिकारी

KASTURBA NAGAR Assembly Constituency
 कस्तूरबा नगर विधानसभा निर्वाचन क्षेत्र

Place: **NEW DELHI** Date: **7/12/95**
 स्थान: नई दिल्ली दिनांक: 7/12/95

This Card may be used as an Identity Card
 under different Government Schemes.
 इस पत्र का विभिन्न सरकारी योजनाओं के अन्तर्गत
 पहचान पत्र के रूप में प्रयोग किया जा सकता है।



इरेडा
IREDA

IS/ISO 9001:2008 Certified

भारतीय अक्षय ऊर्जा विकास संस्था सीमित

(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

(A Government of India Enterprise)

कॉर्पोरेट कार्यालय : तीसरा तल, अगस्त क्रांति भवन, भीकाएजी कामा प्लेस, नई दिल्ली-110 066

Corporate Office : 3rd Floor, August Kranti Bhawan, Bhikaiji Cama Place, New Delhi - 110 066

दूरभाष/Tel.: 011-26717400-12, फैंक्स/Fax : 91-11-26717416, ई-मेल/E-mail: cmd@ireda.gov.in वेबसाइट/Website: www.ireda.gov.in

ANNEXURE 2
187
25
25th Anniversary
25 Years of
Financing Green Energy

No. 216/94/MS/2005/IREDA/Vol-XVII/3433

Dated: 1st October, 2014

Sh. R.K. Jain
1512-B
Bhishm Pitamah Marg
Wazir Nagar
New Delhi - 110 003

Speed Post

Sub: Information under Right to Information Act, 2005 – Appl. No. 227/2014.

Sir,

Please refer to your RTI applications dated 01.09.14 received at our end on 02.09.14 seeking information under RTI Act, 2005.

2. Your RTI application has been seen and we revert as under :

SNo	Information Sought	Reply of IREDA
1.	<i>Please provide details of the steps taken for implementation of O.M. No. F1/8/2012-IR dated 3.4.2013 for pro-active disclosure of details including expenditure incurred for all foreign and domestic official tours since 1.1.2012 and to update the disclosure once every quarter starting from 1.7.2012 and the date by which you are likely to upload such information on the website.</i>	No such OM has been received in IREDA as yet. The OM is addressed to Ministries and Govt. Deptt.
2.	<i>In case the above pro-active disclosure has not so far been made, please intimate the name and designation of the Officer responsible in this regard. Please also intimate the name of the Transparency Officer of your Office.</i>	As above Name of Transparency Officer in IREDA is Sh. Abhilakh Singh, General Manager (TS)

3.	Please provide details of the steps taken for implementation of Office Memorandum No. 12/31/2013-IR dated 11.2.2013 whereunder the DOPT after taking notice of the practice of CIPOs to intimate the amount of copying fees to the applicant at the fag end of the 30 days period prescribed for providing information has directed that the CPIO has not intimate the copying fees payable immediately after receipt of the application so that information seeker deposits the fees and receives the information within the prescribed period of 30 days.	As per 1 above.
4.	Please provide copies of all tour orders issued from 1.1.2012 till the date of providing the information and details of the amount of TA/DA paid for each of them.	As per 1 above.

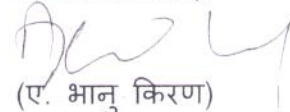
3. We hope you will be satisfied with the above. However, in case you are not satisfied and desire to file appeal against this letter, you may do so by addressing your Appeal under RTI to the Appellate Authority in IREDA whose name and address is given below :

Shri S.K. Bhargava
Director (Finance)/Appellate Authority under RTI Act 2005
Indian Renewable Energy Development Agency Ltd,
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi-110066

4. Please also note that the period of limitation under RTI Act is 30 days to prefer an appeal from the date of receipt of this letter.

Thanking you,

Yours faithfully,



(ए. भानु किरण)

सहायक महाप्रबंधक (विधि)/

सीपीआईओ

By Registered Post/Ad

No. IREDA/DF/RTI/2006-07/III/

106-1084

Dated: 30th October, 2014

Shri R K Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
New Delhi 110 003

Sub:- Your appeals both dated 17th October, 2014 under RTI Act regarding implementation of DOPT OM's dated 3rd and 15th April, 2013 - reply reg.

Dear Sir,

This has reference to your appeals both dated 17th October, 2014 vide which information with regard to implementation of DOPT OM No. 1/8/2012-IR dated 3rd April, 2013 and OM No. 1/6/2011-IR dated 15th April, 2013 in IREDA and connected information/documents has been sought.

2. In this connection, I have perused your appeals viz-a-viz reply of CPIO and provisions of The Right to Information Act, 2005. I have also perused the said OM No. 1/8/2012-IR dated 3rd April, 2013 and OM No. 1/6/2011-IR dated 15th April, 2013 issued by Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India. I agree with the opinion of CPIO. The above said Office Memorandums issued by DOPT neither addressed nor received by IREDA.
3. IREDA, being a Government of India Enterprise, is fully complying with the provisions of The Right to Information Act, 2005.
4. The appeals are disposed off accordingly as per the provisions of The Right to Information Act, 2005.

Yours faithfully



(S K Bhargava)
Director (Finance) and Appellate Authority
under Right to Information Act, 2005

Copy to:- CPIO, IREDA for kind information

दिनांक 30-10-14
दिनांक 30-10-14
हस्ताक्षर SDF

O/c

By Registered Post/Ad

No. IREDA/DF/RTI/2006-07/III/87

Dated: 14th October, 2014

Shri R K Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
New Delhi 110 003

Sub:- Your appeal dated 7th October, 2014 under RTI Act - reply req.

Dear Sir,

1. This has reference to your appeal vide letter dated 7th October, 2014 seeking certain information/documents/inspection of file.
2. In this connection, I have perused your appeal viz-a-viz reply of CPIO and provisions of The Right to Information Act, 2005. I agree with the opinion of CPIO. The balance information/inspection of records sought by you cannot be provided and the same is exempted u/S 8(1)(j) and 11(1) of the RTI Act, 2005. The para-wise decision, as sought by you, are as under:-

Sl. No.	Information sought	Reply
a)	Number of RTI applications received from 1.1.2010 till date of providing the information and name and address of the applicant. If it is not available kindly provide copy of RTI application register or digital data on CD.	158 Nos. of RTI applications were received during the said period which has already been provided by CPIO. Other information sought by you has been examined and I agree with the decision of CPIO. The other information is exempted u/S 8(1)(j) and 11(1) of the RTI Act, 2005.
b)	Number of RTI first appeals filed against the orders or refusal of information from 1.1.2010 till date of providing of information	17 Nos. of appeals were filed during the said period which has already been provided by CPIO.
c)	Number of second appeal/complaints filed relating to RTI applications filed in IREDA	There is no provision to file 2 nd appeal in IREDA.

पॉस्ट की तारीख.....समय.....
जारी करने की तारीख.....
झाक किसने भेजा.....
हस्ताक्षर.....

d)	Copies of all orders of the first appellate authority in relation to appeals relating to IREDA from 1.1.2010	The issue has been examined in terms of the provisions of RTI Act, 2005. Providing a copy of order is exempted u/S 8(1)(j) and 11(1) of the RTI Act, 2005 being the personal and third party information.
e)	Provide list of RTI applications pending as on 31.3.2014 and 1.9.2014	Information has already been provided by CPIO.
f)	Inspection of all records, documents, note sheets and files relating to the information as referred above. Also provide inspection of complete file(s) even if they contain part of the information	CPIO has denied to provide the records for inspection u/S 8(1)(j) and 11(1) of the RTI Act, 2005 being under exemption category. I have examined the records viz-a-viz provisions of RTI Act, 2005 and I agree with the decision of CPIO. The inspection of records is exempted u/S 8(1)(j) and 11(1) of the RTI Act, 2005 as the said records contain personal and third party information.

The appeal is disposed off accordingly on the merit of the case as per the provisions of The Right to Information Act, 2005.

Yours faithfully



(S K Bhargava)

Director (Finance) and Appellate Authority
under Right to Information Act, 2005



Copy to:- CPIO, IREDA for kind information



First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. : RTI/P-960/(8610/14)/Appeal/15426

Dated : 07-10-2014

To

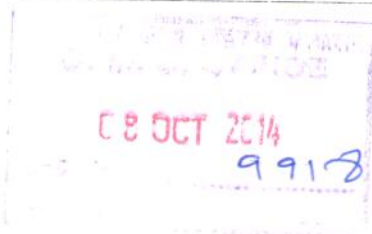
Shri S.K. Bhargava
 Director (Finance)/Appellate Authority under RTI Act, 2005
 Indian Renewable Energy Development Agency Limited
 3rd Floor, August Kranti Bhawan,
 Bhikaji Cama Place,
 New Delhi - 110066

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	A.B. Kiran, AGM (Law) & CPIO
		(b) Address	Indian Renewable Energy Development Agency Limited 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066
2.	Date of submission of application (Copy of application attached)	01-09-2014	
3.	Details of the order appealed against	Letter No. 216/94/MS/2005/IREDA/Vol-XVI/3331 dated 23-9-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	23-10-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI Application dated 1-9-2014. (Annexure-1) 2. Copy of CPIO Letter dated 23-9-2014. (Annexure-2)	



D/K/AA
 ES

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 01-09-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:

Please provide the following information:-

- (A) *Number of RTI applications received from 01-01-2010 till date of providing the information and Name and address of the Applicant. If it is not available kindly provide copy of RTI Application Register or Digital data on CD.*
- (B) *Number of RTI first Appeals filed against the orders or refusal of information from 01-01-2010 till date of providing of information.*
- (C) *Number of Second Appeal/Complaints filed relating to RTI applications filed in IREDA*
- (D) *Copies of all orders of the First Appellate Authority in relation to appeals relating to IREDA from 01-01-2010.*
- (E) *Please provide list of RTI Applications pending as on 31-03-2014 and 01-09-2014.*
- (F) *After providing the above information, please provide inspection of all records, documents, note-sheets and files relating to the information as referred to in clause (A) to (E) above. Please provide inspection of complete file(s) even if they contain part of the information.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That A.B. Kiran, CPIO has deliberately and malafidely provided incomplete and incorrect information despite point-wise specific information sought by the Appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and sprit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That in respect of **point (A)**, the CPIO has illegally and incorrectly denied the information concerning the name and address of the Applicants under section 8(1) (j) and 11(1) of the RTI Act. The CPIO has failed to appreciate that names and addresses of Applicants are part of their respective RTI applications filed before the public authority and public authority's response (through its CPIO) thereto and, **both these information (viz., RTI application and its response) are required to be 'proactively' disclosed by each public authority as per para 1.4 of the DoPT O.M. No. 1/6/2011-IR; dated 15-4-2013. This O.M. of DoPT, being a direction issued under section 26(3)(g) of the RTI Act, has the force of law and, therefore, it is binding in nature. Further, Para 4.0 of this O.M. prescribes the time limit for compliance with the direction contained in said O.M. by each public authority which shows its binding nature. Therefore, denial of this information by the CPIO is incorrect and illegal and liable to be set aside.**
- (4) That the CPIO has also taken '**contradictory**' stand while denying the information sought in point (A). On one hand, he has claimed exemption under section 8(1) (j) of the RTI Act, while on the other he has cited section 11(1) of the RTI Act, which lays down the procedure to be followed for disclosure of third party information. The procedure laid down in section 11(1) is followed only where the CPIO "*intends to disclose*" the information. However, in the present case, no such 'intention' is exhibited from the action of the CPIO. Thus, the CPIO in its impugned order has on one hand straightaway denied the information, while on the other hand he

has expressed its 'intention to disclose' the same by citing section 11(1) of the RTI Act. Therefore, the impugned order is not sustainable and liable to be set aside.

- (5) That moreover the orders passed by CIC in second appeal/complaints and orders of First Appellate Authority of CIC, which are routinely placed on the website of CIC i.e. cic.gov.in, contain the names and addresses of RTI Applicants/Appellants, thereby making such information public. Thus, the information in question here is evidently a disclosable information. Therefore, the impugned order is incorrect and illegal and liable to be set aside.
- (6) That further the action of the CPIO to deny this information seems to be an attempt to cover up the non-compliance of the statutory direction given in the DoPT O.M. dated 15-4-2013 by the IREDA, warranting an independent inquiry into the matter.
- (7) That in respect of **point (C)**, although the Appellant had specifically asked for numbers of second appeals/complaints filed (in CIC) relating to RTI applications filed in IREDA, the CPIO has deliberately and malafidely not provided the correct and complete information. CPIO has stated that only 2 second appeals have been filed with CIC which is manifestly an incorrect figure. Therefore, the information provided by the CPIO on this point is incorrect, incomplete and misleading. Hence, impugned order is liable to be set aside.
- (8) That in respect of **point (D)**, the CPIO has once again illegally and incorrectly denied copies of orders of First Appellate Authority under section 8(1)(j) and 11(1) of the RTI Act despite the clear cut statutory directions given under the DoPT OM dated 15-4-2013. Further, as explained above, here also the CPIO has taken contradictory stand inasmuch as it on one hand denied the information under section 8(1)(j), while on the other hand he expressed its intention to disclose information by citing section 11(1) of the RTI Act. **Moreover, the CIC, which is the apex body for implementation of the RTI Act, is itself uploading all the orders passed by its First Appellate Authority on its website**

- cic.gov.in**. Therefore, the impugned order of the CPIO is incorrect and illegal and liable to be set aside.
- (9) That in response to **point (E)** the CPIO has stated that as per the time limit prescribed under the RTI Act (i.e. 30 days), no RTI application is pending on 31-3-2014 and 1-9-2014, whereas the Appellant had asked for list of all pending RTI applications irrespective of the expiry of their 30 days time limit. By doing so, CPIO has deliberately and malafidely obstructed the supply of information which was actually asked for. Therefore, impugned order is incorrect, illegal and malafide, hence liable to be set aside.
- (10) That the denial of inspection of records by the CPIO as sought in **point (F)** is also incorrect, illegal and malafide in view of the submission made in the preceding paragraphs. Moreover, even if there is something in the records which is confidential in nature, the CPIO could have severed the same by applying the doctrine of severability as provided in **section 10 (1) of the RTI Act** and provide the remaining information. However, denial of complete information by CPIO is incorrect, illegal and malafide. Therefore, the impugned order is liable to be set aside.
- (11) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (12) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (13) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.

- (14) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (15) **That it is requested that a speaking order may be passed on each para of the Grounds of Appeal mentioned hereinabove.**
- (16) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.
- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.
- (f) **That speaking order may be passed on each Grounds of Appeal.**

Signature of Appellant
 Telephone No. : 9810077977
 24651101
 Fax No. 011-24635243

Place : New Delhi
 Dated : 07-10-2014

92

By Registered Post/Ad

No. IREDA/DF/RTI/2006-07/III/

1871-2928

Dated: 9th September, 2014

Shri R K Jain
1512-B, Bhishm Pitamah Marg,
Wazir Nagar,
New Delhi 110 003

Sub:- Your appeal dated 1st September, 2014 under RTI Act - reply req.

Dear Sir,

1. This has reference to your appeal vide letter dated 1st September, 2014 seeking certain information/documents/correspondence held between IREDA, Shri Pankaj K P Shreyaskar and CIC.

2. In this connection, I have perused your appeal viz-a-viz reply of CPIO and provisions of The Right to Information Act, 2005. I agree with the opinion of CPIO. The information sought by you cannot be provided and the same is exempted u/S 8(1)(j) and 11(1) of the RTI Act, 2005.

The appeal is disposed off accordingly.

Yours faithfully

(S K Bhargava)
Director (Finance) and Appellate Authority
under Right to Information Act, 2005

O/c

Copy to:- CPIO, IREDA for kind information

मार्गदर्शक की तारीख 10/9/2014 समय.....
नगरी कार्यालय की तारीख 10/9/2014.....
आक किमने भेजा
हस्ताक्षर 8

89 (1)

First Appeal under Section 19 of the Right to Information Act, 2005

Ref. No. :RTI/P-976/(8482/14)/Appeal/15361

Dated : 01-09-2014

Shri S.K. Bhargava
Director(Finance)/Appellate Authority under RTI Act, 2005
Indian Renewable Energy Development Agency Limited (IREDA)
Corporate Office: 3rd Floor
August Kranti Bhawan, Bhikaji Cama Place
New Delhi - 110066

A. Contact Details :

1.	Name of the Appellant	R.K. Jain
2.	Address	1512-B, Bhishm Pitamah Marg Wazir Nagar New Delhi-110003

B. Details About RTI Request :

1.	Particulars of the CPIO against whose order appeal is preferred	(a) Name	A.B. Kiran, CPIO
		(b) Address	Indian Renewable Energy Development Agency Limited 3rd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110066
2.	Date of submission of application	19-07-2014	
3.	Details of the order appealed against	216/94/MS/2005/IREDA/Vol-XV/2615 dated 25-8-2014	
4.	Prayer or relief sought	See Prayer clause at the end	
5.	Last date for filing the appeal	25-9-2014	
6.	Whether Appeal in Time.	Appeal in time	
7.	Copies of documents relied upon by the applicant	1. Copy of RTI application dated 19-7-2014. (Annexure-1) 2. Copy of CPIO's reply dated 30-7-2014. (Annexure-2) 3. Copy of Appellant's letter dated 2-8-2014. (Annexure-3) 4. Copy of CPIO's reply dated 25-8-2014. (Annexure-4) 5. Copy of relevant page of CIC website declaring that Shri Pankaj Shreyaskar is no more with CIC (Annexure-5)	

आचार्य एवं निदेशक कार्यालय, इरेडा
भवन, अजिमास केन्द्र नई दिल्ली
02 SEP 2014
CMD Col. IHC New Delhi
दफ्तरी नं. 8588

D/F) ES 4/9/14.

BRIEF FACTS OF THE CASE

- (1) That the appellant has filed an application dated 19-07-2014 (**Annexure – 1**) under Section 6 of the RTI Act, 2005 requesting for the following information:
 - (A) *Please provide the date and diary No. under which the email dated 27-5-2014 (copy enclosed) has been received from Shri Pankaj K.P. Shreyaskar.*
 - (B) *Please provide the copy of the aforesaid email received from Shri Pankaj K.P. Shreyaskar with all endorsements and marking thereof.*
 - (C) *Please provide the datewise details of the action taken on the aforesaid email.*
 - (D) *Please provide copies of all further communications received from Shri Pankaj K.P. Shreyaskar.*
 - (E) *Please provide copies of all communications sent to Shri Pankaj K.P. Shreyaskar from 1-1-2014 till date in relation to the aforesaid email*
 - (F) *Please provide copies of all communications sent to CIC from 1-1-2014 till date in relation to the aforesaid email.*
- (2) That the appellant vide para 5 of his said application has also made a declaration that the information sought for is not exempted under Section 8 or 9 of the RTI Act, 2005 and also stated that to the best of the knowledge of the appellant, the information pertains to the Office of the CPIO in question.
- (3) That A.B. Kiran has deliberately and malafidely denied the information by wrongly claiming exemption under Section 8(1)(j) and 11(1) of the RTI Act, 2005 without giving any reasons or opportunity to the appellant. The appellant being aggrieved by the said order of the CPIO is filing the present appeal.
- (4) That the CPIO has deliberately and malafidely provided incomplete and incorrect information with a view to cause obstruction to the information without any reasonable cause. Therefore, he is liable for penal action

under section 20 of the RTI Act, but the First Appellate Authority has no powers to take penal action u/s 20 of the RTI Act, hence the appellant reserves his right to file direct complaint to the CIC for enforcement of section 20 of the RTI Act.

GROUNDS OF APPEAL

- (1) That the order in question of the CPIO is incorrect and illegal and contrary to the provisions and spirit of the RTI Act, 2005 hence liable to be set aside.
- (2) That the information sought by the appellant is not exempted under Section 8 or 9 or any other provisions of the RTI Act, 2005, therefore, there was no valid cause or reason or ground for not providing the information.
- (3) That A.B. Kiran, CPIO, has deliberately and malafidely denied the information by wrongly claiming exemption under Section 8(1)(j) and 11(1) of the RTI Act, 2005 without giving any reasons or opportunity to the appellant. The CPIO has neither passed any speaking order nor has given any opportunity to the appellant before denying the information. Therefore, there is a violation of principle of natural justice and on this ground alone, the order of the CPIO is liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (4) That A.B. Kiran, CPIO, while applying Section 11(1) of the RTI Act, has to follow the procedure prescribed thereunder to issue a third party notice within 5 days of the receipt of RTI application and wait for 10 days for third party objections and then to take a decision in the matter. The CPIO though has invoked the provisions of Section 11, but has not followed the statutory provisions of Section 11. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (5) That A.B. Kiran, CPIO has deliberately and malafidely invoked the

- exemption contained in Section 8(1)(j) of the RTI Act when the said exemption has no applicability in the present case, inasmuch as a copy of the e-mail dated 27.05.2014 of Shri Pankaj Shreyaskar was already enclosed with the RTI Application and the information sought in Point (A) of the RTI Application was to seek only the date and diary under which the said e-mail was received by IREDA. Therefore, the information sought related to the record created by IREDA and not any third party or personal information, as deliberately and malafidely claimed by the CPIO to somehow deny the information without any reasonable cause rather with malafide intent and purpose. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.
- (6) That the appellant has sought point-wise information, but the CPIO in order to suppress the information has provided consolidated reply. As per the decision of Hon'ble Delhi High Court and CIC, when point-wise information is sought by the appellant, the CPIO is required to provide point-wise information. Therefore, the order of the CPIO in this respect is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame.
- (7) That the information sought by the appellant in Point (B) to (F) are neither personal nor relate to individual, but relates to the action of the Public Authority and therefore, they are part of the records of the Public Authority, created in the normal course of their official activities. This information is not covered under Section 8(1)(j) of the RTI Act. Moreover, Shri Pankaj Shreyaskar in the said e-mail has misrepresented that he is a Joint Secretary and Assistant Registrar of the CIC while he had long back been sent out of the CIC after various complaints against him. CIC on its website (**Annexure-5**) is running a banner cautioning the public at large that Shri Pankaj Shreyaskar is no more in the CIC. Since Shri Pankaj Shreyaskar has misrepresented to be a Joint Secretary of the CIC, there

is a larger public interest involved for the disclosure of the information in question. Therefore, the order of the CPIO is incorrect and illegal and liable to be set aside and the CPIO be directed to provide the information in time bound frame and he is also liable for penalty under section 20(1) of the RTI Act and recommendation for disciplinary action under section 20(2) of the RTI Act, for delaying and obstructing the information in question without any reasonable cause.

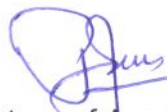
- (8) That the CPIO has erred in not providing the information to the appellant though as per the provisions of the RTI Act, the appellant is entitled to information as sought by him. Therefore, the order of the CPIO is liable to be set aside with direction to provide the information to the appellant within time bound frame.
- (9) That the information sought is neither voluminous nor relate to older and larger period, thus could have easily been provided by the learned CPIO.
- (10) That as per proviso to Section 8(1) of the RTI Act, 2005, the information which can not be denied to the Parliament or the State Legislatures shall not be denied to any person. The information sought by the appellant in the subject application is the one which cannot be denied to the Parliament or the State Legislatures and hence it cannot be denied or refused to the appellant.
- (11) That a personal hearing may be granted to the appellant before deciding the present appeal.
- (12) This is without prejudice to the right of the appellant to add, alter or modify any of the grounds of this appeal and adduce oral or written evidence at the time of hearing or till the appeal is disposed of.

PRAYER

Under the circumstances, the appellant prays as under:

- (a) That the Original Records may be summoned and perused.
- (b) That the order of the CPIO may be set aside to the extent it has been appealed against and CPIO/Deemed CPIOs may be directed to provide the information in question within time bound frame.

- (c) That imposition of penalty may also be recommended against the CPIO for not providing the complete and correct information.
- (d) That any other relief as the Appellate Authority deem fit and proper may also be ordered in favour of the appellant.
- (e) That a personal hearing may be granted to the appellant before deciding the appeal.



Signature of Appellant
Telephone No. : 9810077977
24651101
Fax No. 011-24635243

Place : New Delhi
Dated : 01-09-2014

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The Right to Information Act, 2005

First Appeal for Central Government

I.D. No..... Date.....(for office use)

To,

The First Appellate Authority under RTI Act,
Shri S.K. Bhargava,
Director (Finance) / Appellate Authority under RTI Act,
Indian Renewable Energy Development Agency Ltd.,
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi – 110 066.

Sir,

As I am aggrieved by decision / no decision of Central Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant:

- 1.1 Full Name : Sh. Shivendra Nath Trivedy
- 1.2 Full Address : Sh. Shivendra Nath Trivedy,
House No. 63,
Opposite Raghunath Petrol Pump,
Bailey Road, Danapur Cantt.,
Patna – 801 503.
- 1.3 Phone / Cell No. : 09431011734
- 1.4 Email ID : sntrivedy@gmail.com

2. Details of Central Public Information Officer (CPIO)

- 2.1 Name / Designation : Mr. A.B. Kiran (Asst. General Manager)
(Legal)
- 2.2 Full Address : The Public Information Officer,
Indian Renewable Energy Development
Agency,
India Habitat Center, East Court,

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Core – 4A, Lodhi Road,
New Delhi – 11 00 03.

2.3 Name of Public Authority : Indian Renewable Energy Development Agency

3. **Details of RTI Application to CPIO**

Date of Application : 22.04.2014
Mailed on 23.04.2014, by registered post No. RF006441289IN.
Date of receipt by CPIO : 25.04.2014.

4. **Particulars of payment of filing fee:**

Paid Rs. 10/- by IPO No. 73C975891 & 73C975892 of Rs.5/- each of Patna Secretariat Post office.

5. **Details of Information sought:**

Procedure for selling a grid connected & operational Solar Power Plant set up under the first phase of the Jawaharlal Nehru National Solar Mission's Rooftop PV & Small Solar Power Generation Programme (RPSSGP) launched by Ministry of New and Renewable Energy, connected to HT distribution network (below 33kV).

6. **Particulars of Decision of CPIO :**

Letter reference No. : 216/94/MS/2005/IREDA
Date of CPIO's Decision : 16th May, 2014.

Date of receipt of decision by the applicant : 19th May, 2014, by hand.

7. **Brief Facts of the case:**

Information sought is the procedure for selling a operational grid connected and operational Solar Power Plant set up under the first phase of Jawaharlal Nehru National Solar Mission's Rooftop PV & Small Solar Power Generation Programme (RPSSGP) scheme along with the land on which the project has been setup.

8. **Reasons / Grounds for this appeal:**

The information provided by the CPIO is that for change in share holding pattern of the company of the Developer but does not provide any information of the procedure to be adopted by a Private Company which has established a Solar Power Plant under under the first phase of Jawaharlal Nehru National Solar Mission's Rooftop PV & Small Solar Power Generation Programme (RPSSGP) scheme can sell the same operational Plant to another company / firm/ individual which shall include the plant and machinery installed at the set Solar Power plant along with the Land on which the project has been setup.

9. Any other information in support of appeal:

10. Prayer / relief sought for:

Reply to the information sought from the CPIO with regards to my RTI application dated 22.04.2014.

11. Grounds for prayer / relief sought for:

First appeal under Section 19 (1) of the Right to Information Act, 2005.

12. Personal Presence at Hearing : YES / No : Yes.

13. Enclosures : Photocopies of original RTI application with its enclosures, postal proof of mailing, decision letter of CPIO.

14. Declaration:

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any court or tribunal or authority.

Place : Patna

Date : 20.05.2014.

Shivendra Nath Triwedy
Signature of Applicant