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AP.No.143/2007/SIC

File No.2108/SIC-Gen-2/2007

Shri.P.V.Abdullakutty,
Puthenveettil,
P.O.Purathoor,
Malappuram-676 102.



Appellant

Vs

Appellate Authority, and
Deputy Chief Engineer
KSEB Electrical Circle Office,
Thirur, Malappuram.



Respondent

ORDER

Shri.Abdullakutty *alias* Kunjumon is the Appellant in this case. The case of the appellant was that, he had made certain requests for information. Only partial information was furnished to him and a major portion of information was disallowed. There was delay also in furnishing the information and there was realisation of an excess amount of Rs.10/- from him by the PIO. The Appellate Authority had not ordered the repayment of the same and, hence the appeal. A short history of the events are as follows:-

On the 27.11.2006, the requester/appellant had made a petition before the PIO and Executive Engineer, Electrical Section, Tirur. In the said request, 6 items of information were sought by him. The information thus sought are:-

1. The notes prepared and submitted by the Officers of the Electrical Section on a petition filed by him objecting an 11 kV line through Purathur re-survey 175/2A.
2. The charge memo and connected records of the vigilance case instituted against the Dy.Cheif Engineer on a complaint preferred by him.

Question numbers 3, 4, 5 & 6 are subsidiary questions with regard to the vigilance case.

An amount of Rs.10/- was collected as cost of the application because he had not affixed a court fee stamp for Rs.10/-. On 15.12.2006, an intimation was given to him to remit Rs.6/- as cost of the information. And, on 12.12.2006 information with regard to question number (1) and (2) were furnished. On 22.12.2006, again a request was made by the appellant and, Rs.10/- was collected as application fee because this time also the requester had not affixed court fee stamp for Rs.10/- on the application. The final answer was furnished on 11.1.2007.

He went in appeal before the Appellate Authority and, the same was dismissed and, hence the second appeal.

The questions that evolve are (i) whether the answers furnished were satisfactory? and, (ii) whether there was an excess collection of Rs.10/- as fees by the PIO?

From the very outset it could be seen that the appellant had preferred two applications, one on 27.11.2006 and, the other on 22.12.2006. Ext A1 was the original request dated 27.11.2006. The same was request regarding objection filed against an 11kV line and, also allegations made against an Electrical Engineer on which a vigilance enquiry had been initiated. Ext A2 was intimation dated 15.12.2006 by which an amount of Rs.6/- was asked to be remitted by the appellant and, on remittance of the said amount, the information was furnished on 18.12.2006. Ext A3 was the forwarding letter. Now what had become evident from these Exts was the fact that a request made on 27.11.2006 was disposed of by Ext A3 on 18.12.2006. There was absolutely no delay in the disposal of the case. Therefore, collection of Rs.6/- was perfectly in tune with the *Regulation of Fee and Cost Rules, 2006*. Moreover, a close scrutiny on Ext A1 application showed that court fee stamp for Rs.10/- was not affixed on the Ext A1 request and, therefore, Rs.10/- was collected. By Ext A3 information with regard to question number (1) and (3) alone were furnished. It was explained in Ext A3 that the information with regard to question number (2) (4) (5) and (6) could not be furnished because the same related to a vigilance enquiry.

Ext A4 was the subsequent application by the very same requester. It was dated 22.12.2006. The requester treated this as a continuation of application Ext A1. But the PIO treated the same as a separate application because the original application was already disposed of and again Rs.10/- was collected. This is also justifiable as per the *Regulation of Fee and Cost Rules, 2006*. In this matter, the information was furnished on 11.1.2007, well within the time limit. The information thus furnished was that the details with regard to the questions could not be furnished because this relates to the vigilance case against Electrical Assistant Engineer, Alathiyoor. The disclosure of which

would impede the process of investigation. Ext A5 was also the final disposal as far as Ext A4 petition was concerned. There was also no delay in disposing of the case.

It was averred by the appellant that the public authority had not taken note of the excess collection of Rs.10/-. The public authority as well as the PIO were justified in treating Ext A1 and A4 as two separate petitions because the RTI Act do not envisage a process of continuation of correspondence. Each request made at each time was an independent request and, to be dealt with independently. And, each request should have affixed Rs.10/- court fee stamp or remittance of Rs.10/- by challan except in the case of persons below poverty line. The disposals of petitions were strictly in tune with the *Regulations of Fee and Cost Rules, 2006*, and, therefore, there was no irregularity. The reasoning also would appear to be correct. The refusal of the information with regard to certain questions was justified in view of a pending vigilance enquiry.

Therefore, the petition is without merit and, is dismissed.

Dated this the 6th day of July, 2007.