



Before The State Information Commission, Kerala

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AP.No.278/2007/SIC

File No.3016/SIC-Gen-1/2007

Shri.T.N.Bhaskaran Nair,
Sree Lakshmi, Thevally.P.O.
Kollam-9.

}

Appellant

Vs

Public Information Officer and
Senior Superintendent,
Kerala State Consumer Disputes
Redressal Commission,
Sisu Vihar Lane,
Vazhuthacaud, Sasthamangalam.P.O.
Thiruvananthapuram.10.

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Respondent

ORDER

Shri.T.N.Bhaskaran Nair, a senior citizen aged 83 years is the appellant in this case. The appellant had preferred an appeal under Section 19(3) of the RTI Act, before the State Information Commission on 7.5.2007. The grounds of appeal can be briefly detailed as follows:-

The appellant preferred a Revision Petition before the National Commission of Consumer Dispute Redressal in OP.237/2002 against the order of Consumer Dispute Redressal Forum, Kollam. The National Consumer Dispute Redressal Commission had instructed the Registrar of Kerala State Consumer Disputes Redressal Commission to expedite the trial and dispose of O.P.No.237/2003, on a priority basis. He was not given this priority and hence he had resorted to the provisions of the RTI Act.

On 22.2.2007, a request u/s. 6 of the RTI Act was preferred before the Public Information Officer of the Kerala State Consumer Disputes Redressal Commission. An appeal was also preferred on 21.3.2007 because he did not receive any information in response to his request u/s.6 of the RTI Act. The original request u/s.6 of the RTI Act was marked as Ext A1 and the copy of the appeal was marked as Ext A2. This led to the filing of the appeal.

The remarks of the Public Information Officer were called for. Detailed remarks running about three pages were submitted as early as 9.7.2007. It was averred in the remarks that OP.No.237/2007 was an O.P related to the Consumer Dispute Redressal Forum, Kollam. The appellant's claim was that he had approached the National Consumer Dispute Redressal Commission to get the appeal matter expedited in the above said O.P. It was true that on 21.3.2007, a request u/s.6 of the RTI Act had been received and on 12.4.2007 *ie.*, well within the time limit a reply has been sent to the requester. So what was stated in the appeal memorandum that he had not received the information from the State Consumer Disputes Redressal Commission was not correct. The appeal number of O.P.237/2002 was not mentioned in any of the documents. No such appeal was seen filed before the State Consumer Disputes Redressal Commission. Had there been any observation from the National Commission to dispose off a case urgently it would have been performed without further communication. No appeal was seen filed by the appellant and no number or such other details were available. During the course of personal hearing, it was also submitted by the Public Information Officer, Smt.Padmini Amma.S that even though the period of limitation for filing of the appeal was over, considering the age of the appellant, the State Consumer Disputes Redressal Commission would entertain the appeal, if the appellant wanted to move the State Consumer Disputes Redressal Commission. It was also submitted orally that the case records from the Consumer Disputes Redressal Forum, Kollam, had not been summoned in the appeal. Had there been any appeal, the lower court records would have been summoned.

The question that arises before this Commission is whether there was any willful denial of information?

On going through the affidavit preferred by the Public Information Officer and, also by the records produced by the Public Information Officer, it could be seen that on 12.4.2007, a reply had been given to the appellant in response to his request. The content was that appeal No.749/2006 had been stayed and stay order was enclosed along with the said letter. The averments in the affidavit that no such appeal was pending before the Kerala State Consumer Disputes Redressal Commission is to be admitted in evidence. If there was no appeal pending with the Kerala State Consumer Disputes Redressal Commission, the question of disposal on a priority basis does not arise. It was also averred in the affidavit that no appeal has been preferred so far. Hence, there was no merit in the appeal. The appellant, in the light of the submission by the Appellate Authority of the State Consumer Disputes Redressal Commission, was at liberty to prefer an appeal in OP No.237/03, of course with the permission of the State Consumer Disputes Redressal Commission in the matter of condonation of delay.

This appeal is disposed off accordingly.

Dated this, the 20th day of September, 2007.