



राष्ट्रीय प्रौद्योगिकी संस्थान दुर्गापुर

(मानव संसाधन विकास मंत्रालय, भारत सरकार के अधीन राष्ट्रीय महत्व का संस्थान)

महात्मा गांधी एभेन्यू, दुर्गापुर - 713209, (पश्चिम बंगाल), भारत

NATIONAL INSTITUTE OF TECHNOLOGY DURGAPUR

(Institute of National Importance Under MHRD, Govt. of India)

MAHATMA GANDHI AVENUE, DURGAPUR-713209, (WEST BENGAL), INDIA

Ref.No. NITD/RTI/Regis/OFF/FAA/20

Date: 04.12.2019

Subject:- Information under RTI Act, 2005.

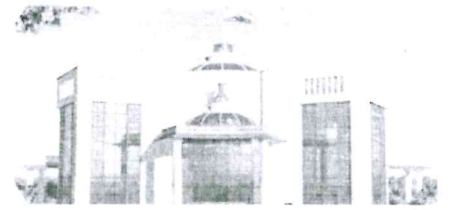
Ref. :- Your letter dated 03/12/2019 seeking information under RTI Act 2005.

Sir,

In connection with above mentioned subject and reference, this is to inform you that as per the Central Information Commission, the second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received.

Hence the appeal made by you can not be considered.

Regards.



Second Appeal

The Commission has powers to adjudicate an appeal filed under section 19 (3) of the RTI Act and order for providing the requested information when the same has not been provided at the level of Central Public Information Officer (CPIO) or the First Appellate Authority. The section 19 is given below:

Appeal

Section 19(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

3) A second appeal against the decision under sub-section (1) shall lie within **ninety days** from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of **ninety days** if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

a. require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

- i. by providing access to information, if so requested, in a particular form;
- ii. by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
- iii. by publishing certain information or categories of information;
- iv. by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
- v. by enhancing the provision of training on the right to information for its officials;
- vi. by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

b. require the public authority to compensate the complainant for any loss or other detriment suffered;

c. impose any of the penalties provided under this Act;

d. reject the application.

9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

