

By Speed Post

**BEFORE SHRI G.S. YADAV, JOINT SECRETARY & LEGAL ADVISER
AND FIRST APPELLATE AUTHORITY (NOTARY)**

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM
NO. 406-B 'A' WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 45/JS&LA(GSY)/NC/RTI/2016

IN THE MATTER OF:

Sh. S. Kalyana Krishnan,
Flat No. 201,
Sri Renuka Enclave,
8th Block, Koramangla,
Bangalore-560095.

- Appellant

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs
R.No. 433(A), Shastri Bhawan,
New Delhi - 110001

- Respondent

ORDER

Date: 17.10.2016

Being dis-satisfied with the decision of CPIO dated 26.8.2016, the present appeal has been preferred by the appellant received in this office on 27.9.2016.

2. Notices were issued to the respective parties and in response thereof, CPIO is present in person whereas the appellant has neither turned up nor made any submission by any mode; hence, the present appeal is being disposed of basing upon the material available on record and after hearing the CPIO.

3. It has been stated by the CPIO that after receiving of the complaint, comments of the notary concerned were asked as the same were not received a reminder was also issued for the comments but nothing has come back.

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8/10/16

4. It is a fact that the complaint is that of 20.1.2016 and now it is October, 2016. I am unable to understand how much time it will take for receiving comments. This tactic is against the spirit of RTI Act.

5. Let it be so considering the facts and circumstances of the case and in view of compliance of principle of natural justice, CPIO is directed to issue a fresh notice asking comments on the complaint by the notary within three days by speed post and in case within the stipulated time as mentioned in the notice, comments are not received, it should be ascertained by the track report of the speed post whether it has been served or not? In case it is found that it has been served and comments have not been received, it will be presumed that notary knowingly and deliberately is not complying the notice and ex-party proceedings, as deemed fit under the provisions of Act and Rules may be initiated. The entire proceedings should be completed within 4 months of the order.

5. In case the Appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

The parties are informed accordingly.

G.S. Yadav
17.2.16
(G.S. Yadav)

Joint Secretary & Legal Adviser And
First Appellate Authority
Tel. No. 23384630

1. Sh. S. Kalyana Krishnan, Flat No. 201, Sri Renuka Enclave, 8th Block, Koramangla, Bangalore-560095.
3. DLA/CA & CPIO (NC), Department of Legal Affairs, M/o Law & Justice, R.No.433-A, Shastri Bhawan, New Delhi - 110001 (along with copy of 1st Appeal).