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No.36-03/2014-SU
Ministry of Communications & IT
Department of Telecommunications
SU Section

20 Ashoka Road, New Delhi 110001
Dated: 12.10.2014

Smt. P. Choudhary,
148, M.G. Road,
Kolkata -700007.

Subject: - Appeal dated nil of Smt. P. Choudhary under RTI Act, 2005.

With reference to the abovementioned appeal dated nil against DoT's reply vide letter no. 36-03/2014-SU dated 31.07.2014 in r/o RTI application dated nil, the suitable replies are as below:-

(1), (2), (3) & (4)

RTI Act does not cover the queries/interrogative question.

"The information has been defined under Section 2(f) of RTI Act 2005 which means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. Queries are not covered under the definition of information under Section 2(f) of the RTI act, 2005. Act does not cast obligation to answer queries, as in the case when the petitioner attempts to elicit answers to his questions with prefixes such as why, what, when and whether. RTI Act does not require the PIO to deduce conclusion from the material and supply the conclusion from the material. PIO only has to supply the 'material' in the form as held by the Public Authority. Such queries are not "information" under Section 2(f)."

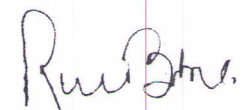
2. However, the suitable information has already been provided caring to the concern of the appellant, as per the availability of the records in this Section of DoT (copy enclosed).

3. A copy of the concerned RTI application was also forwarded to the O/o Pr CCA, Kolkata, to furnish the relevant documents related to reply filed by Govt. in Court in TS 1917 of 2005 directly to the applicant under intimation to this office. Subsequently, Pr CCA Kolkata, vide it's letter no. CCA/CTD/Legal/Title Suit dated 26.08.2014 (copy enclosed) stated that the matter is presently sub-judice and proceedings are in progress in the court of law. As per the provisions under Section 8(1)(h) of RTI Act, 2005, disclosure of such documents is exempted as it may impede the process of law. A copy of this letter was also endorsed to the applicant by Pr CCA, Kolkata.

4. In case you are not satisfied with the information and further wish to make an appeal, the appeal may be preferred to Central Information Commission, 'B' Wing, IInd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.

End A/A

o/k


(R.K. Mishra)

DDG(SU & Appellate Authority)
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