

**केन्द्रीय सूचना आयोग  
Central Information Commission**

2 तल, विंग 'ब' / 2<sup>nd</sup> Floor, 'B' Wing  
अगस्त क्रान्ति भवन / August Kranti Bhavan  
भीकाजी कामा प्लेस/ Bhikaji Cama Place  
नई दिल्ली - 110066 / New Delhi - 110066

**website: [www.cic.gov.in](http://www.cic.gov.in)**

**Case No. CIC/AT/C/2008/00025**

**Dated: 4.8.2008**

**Subject: Notice for Full Bench hearing on 12.9.2008 at 11:00 A.M.**

WHEREAS Shri Milap Choraria, Delhi had filed a complaint dated 1.1.2008 before the Commission under Section 18 (1) of the Right to Information Act, 2005, relating to his RTI request dated 19.9.2007, against the decision No. AA/Dir(Inv.II & III)/003/2007-08 in F.No.286/61/2007-IT(Inv.II) dated 30.11.2007 of Shri D. Srinivas, Appellate Authority & Director (Inv. II & III), Central Board of Direct Taxes, New Delhi.

AND WHEREAS vide RTI request dated 19.9.2007 the complainant asked for inspection of the file wherein a Notice u/s 80 of the Civil Procedure Code has been processed and Caveat filed by the respondents.

AND WHEREAS the matter was heard in the Commission by Single Bench on 28.5.3008 and it was observed that it was a typical case where the person first serves a Notice u/s 80 CPC threatening to file a Civil Suit against the public authority and then demands to see the files as to how the public authority had reacted or processed the case.

AND WHEREAS one of the important issues that arises in this case is as to whether a public authority is obliged to lay open everything and have no confidentiality in regard to any matter; can it be that a public authority has no interest at all – personal or otherwise. The issue, therefore, is one of harmonious construction between the transparency and accountability in the working of the public authority and the need to preserve confidentiality.

AND WHEREAS the Commission decided that appeal be heard by a Larger Bench of the Commission since the issue is important from the legal point of view.

AND WHEREAS the Commission also decided that the Cabinet Secretariat; Ministry of Law & Justice; Department of Revenue, Ministry of Finance; and the CBDT be requested and notified accordingly to depute a senior officer to attend the hearing in the Commission and to file written submission on the issue. The written submission addressed to the Commission should reach the Commission **on or before 2.9.2008.**

The matter will be heard by Full Bench on **September 12, 2008** at **11:00 A.M.** All concerned are requested to appear before the Commission in the **Court Rom No. 314** of the Commission at the above address, with relevant documents on the above date and time for hearing.

**(D.C. Singh)**  
**Asstt. Registrar**  
**Telefax : 26186535**  
**[e-mail: dc.singh@nic.in](mailto:dc.singh@nic.in)**

1. The Cabinet Secretariat, Rashtrapati Bhavan, New Delhi
2. The Secretary, Ministry of Law & Justice, Shastri Bhavan, New Delhi.
3. The Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
4. The Chairman, Central Board of Direct Taxes, North Block, New Delhi.
5. Shri D. Srinivas, Director (Inv. II & III) & AA, Ministry of Law & Justice, Central Board of Direct Taxes, Room No. 265-A, North Block, New Delhi.
6. Shri Aarsi Prasad, Under Secretary & CPIO (Inv. II & III), Central Board of Direct Taxes, Room No. 265-A, North Block, New Delhi.
7. Shri Milap Choraria, B-5/52, Sector - 7, Rohini, Delhi - 110085.  
(Complainant)

**Copy to:**

- i) PPS to IC(T)
- ii) PPS to IC(PB)
- iii) PPS to IC(A)
- iv) JS (Law)
- v) Sh. Paul, Sr. Scientist, NIC

Copy forwarded to Admn. Section for making necessary arrangements for holding Full Bench Hearing.