

**BEFORE THE UTTAR PRADESH STATE INFORMATION COMMISSION,  
LUCKNOW**

**Appeal under Section 19(3) of the Right to Information Act, 2005**

**Appeal No.: /2025**

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**Details of the Appellant (Information Seeker)**

Detail	Information
<b>Name</b>	<b>Kamlesh Singh</b>
<b>Address</b>	Village Kothara Kantit, Balua, Post Office Shri Nivas Dham, District Mirzapur, PIN Code: 231313
<b>Email ID</b>	kamleshsingh8127195424@gmail.com
<b>Mobile Number</b>	8127195424

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**Versus**

**Details of the Respondents**

Designation	Name & Office Details
<b>Public Information Officer (PIO)</b>	<b>Mr. Manish Kumar Srivastava</b> (EE & PIO, EDD-2 Fataha, Mirzapur)  Mobile: 9450963598, Email: ee.2mirzapur@puvvn.in  Office of the Executive Engineer, EDD-2 Fataha Mirzapur, PIN Code: 231001

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(1)

Designation

Name & Office Details

**First Appellate  
Authority (FAA)**

**Mr. Ram Das** (SE & AA, EDC Fataha, Mirzapur)

Mobile: 9415304000, Email:  
se.mirzapur@puvvn.in

Office of the Superintending Engineer, EDC Fataha  
Mirzapur, PIN Code: 231001

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**Subject**

**Second Appeal under Section 19(3) of the RTI Act, 2005, against the deemed refusal by the Public Information Officer and the First Appellate Authority to provide information.**

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**Background of the Case**

Event	Date	Registration/Reference No.	Status/Remark
<b>Original RTI Application</b>	07/07/2025	PUVNL/R/2025/60438	<b>Deemed Refusal</b> (No response within 30 days)
<b>First Appeal (u/s 19(1))</b>	27/08/2025	PUVNL/A/2025/60278	<b>Deemed Refusal</b> (No order passed within 45 days)

**Grounds for  
Second  
Appeal**

The PIO failed to respond, and the FAA failed to pass an order, resulting in a **deemed**

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Event	Date	Registration/Reference No.	Status/Remark
	<b>refusal</b> at both levels.		

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### Details of Information Sought

The information sought pertains to an FIR lodged against Dileep Singh S/O Bhanu Pratap Singh for electricity theft, as confirmed by Letter No. 2615 dated 12-05-2023 from the Executive Engineer, PUVVNL, Mirzapur (Reference: PG Portal No. 60000230085071).

1. A copy of the **FIR** registered by the Police Enforcement Team, Mirzapur.
2. The date on which the **charge sheet** was filed, along with a copy of the same.
3. The **name, designation, and posting details** of the Investigating Officer.
4. The **current status of the action** being taken in the above case.
5. Details of total **actions taken in the last financial year** in electricity theft cases, including the number of FIRs lodged by the Police Enforcement Team.

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### Grounds for Second Appeal and Legal Submissions

The Appellant submits the following grounds and legal points for the Commission's consideration:

1. **Deemed Refusal by PIO (Section 7(2) of the RTI Act, 2005):**

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- The RTI application was filed on **07/07/2025**. As per **Section 7(1)**, the PIO was obligated to provide the information or reject the application within **30 days** (i.e., by 06/08/2025).
- The PIO, Mr. Manish Kumar Srivastava, has provided **no response** to date, which constitutes a **deemed refusal** under **Section 7(2)** of the Act.

## **2. Failure of the First Appellate Authority (Section 19(6) of the RTI Act, 2005):**

- The First Appeal was filed on **27/08/2025**. The FAA was mandated by **Section 19(6)** to dispose of the appeal within **30 days**, or a maximum of **45 days** for reasons to be recorded in writing.
- The FAA, Mr. Ram Das, has **failed to pass any order** on the First Appeal within the statutory period, thereby failing to perform his quasi-judicial duty and effectively reinforcing the PIO's deemed refusal.

## **3. Information Not Exempt Under Section 8:**

- The requested information, including the FIR copy, charge sheet, and status of action in a registered criminal case (electricity theft under Section 135 of the Indian Electricity Act, 2003), is primarily related to a **public authority's discharge of its public function**.
- The Appellant is a third party seeking information about the action taken against the accused, Dileep Singh. The **Supreme Court of India** and various **High Courts** have repeatedly held that the **FIR, charge sheet, and court proceedings are public documents** and generally not covered under exemptions like **Section 8(1)(h)** (information which would impede the process of investigation or prosecution) once the investigation is complete or the case is before a court. The information sought, especially regarding the lodging of the FIR and the status of the case, is a matter of public interest and transparency.

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- The information requested on the total actions taken in electricity theft cases in the last financial year is **statistical data** and must be provided in the interest of transparency as per the preamble of the RTI Act.

#### 4. Misdirection of Earlier RTI Application (PUVNL/R/2024/60139):

- The Appellant notes an earlier RTI application (Reg. No. PUVNL/R/2024/60139, dated 05/04/2024) regarding a similar matter was improperly transferred by the Executive Engineer to the Anti Power Theft Police Station, Mirzapur, despite the information being held or directly concerning the actions of the electricity board's enforcement wing. This demonstrates a **systemic failure in the discharge of duties** under **Section 6(3)** (Transfer of RTI Application) and highlights the lack of clarity and proper mechanism for providing information relating to police/vigilance actions initiated by the PUVNL itself.

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#### Relief Sought

In light of the statutory and factual breaches, the Appellant respectfully requests the Hon'ble Commission to:

1. **Direct the PIO** to immediately furnish the complete, point-wise information as sought in the original RTI application.
2. **Impose a penalty** on the PIO, Mr. Manish Kumar Srivastava, for the unjustifiable and malicious delay in providing the information, as stipulated under **Section 20(1)** of the RTI Act.
3. **Recommend disciplinary action** against the PIO and the FAA under **Section 20(2)** for their deliberate and repeated failure to perform their statutory duties under the RTI Act, 2005.

I, Kamlesh Singh, hereby state that the information and facts provided in this appeal are true to the best of my knowledge and belief. I also declare that the matter has not been previously filed and is not pending with any other court or tribunal.

कमलेश सिंह

**Date:** October 15, 2025 (Kamlesh Singh)

**Place:** Mirzapur

**The Appellant**

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### Enclosures

1. Copy of the Original RTI Application (PUVNL/R/2025/60438).
2. Copy of the First Appeal (PUVNL/A/2025/60278).
3. Copy of Executive Engineer Letter No. 2615 dated 12-05-2023.
4. Copy of Earlier RTI Application (PUVNL/R/2024/60139) for reference.

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