

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

Before

the Hon'ble State Information Commission, Uttar Pradesh

**Date of Filing:** 15/11/2025

To:

The Hon'ble Chief Information Commissioner

and

The Companion Information Commissioners

Uttar Pradesh State Information Commission

7/7A, RTI Bhawan, Vibhuti Khand,

Gomti Nagar, Lucknow, Uttar Pradesh - 226010

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## **Subject and Parties**

**Subject:** Second Appeal under Section 19(3) of the Right to Information Act, 2005, against **deemed refusal** by the State Public Information Officer (SPIO) and **non-disposal** by the First Appellate Authority (FAA).

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### **1. Details of the Appellant (RTI Applicant):**

Particulars	Details
Full Name	Devi Prasad Gupta
Address	Shuklha Tri Corner Road, Anup Computer, Mirzapur City, Sadar Tehsil, Mahuariya, District-Mirzapur, Uttar Pradesh
Pincode	231001
Mobile No.	9935329090 

Particulars	Details
Email ID	devipg1966@gmail.com

## 2. Details of the State Public Information Officer (SPIO) Concerned:

Particulars	Details
Name/Designation	Bhadohi (Sant Ravidas Nagar)-DPRO (District Panchayat Raj Officer)
Pincode	221401
Mobile No.	9450981727
Email ID	dprosr-up@nic.in
Public Authority	Panchayati Raj Directorate

## 3. Details of the First Appellate Authority (FAA) Concerned:

Particulars	Details
Name/Designation	Mirzapur-Deputy Director
Pincode	231001
Mobile No. (RTI)	9412445037
Mobile No. (Appeal)	9759296425
Email ID	ddprmi-up@nic.in

## Key Details of the Case

Activity	Registration No.	Date	Status/Violation
Original RTI Application	DIRPR/R/2025/61913	30/07/2025	<b>Deemed Refusal</b> (No response by 29/08/2025)
First Appeal (u/s 19(1))	DIRPR/A/2025/61796	14/09/2025	<b>Non-Disposal</b> (No decision within 45 days)
Date of Filing Second Appeal	-	15/11/2025	-

## 🔍 Facts of the Case

1. The Appellant filed an RTI Application (Reg. No. DIRPR/R/2025/61913) on **30/07/2025** seeking 5 points of information regarding the **status, location, expenditure, and verification reports of wall paintings** of developmental schemes in Village Panchayat – **Dhanwatiya**, Post- Barwa, Development block-Bhadohi, District-Bhadohi, Uttar Pradesh, for the last four years and the current year.
2. The statutory period of **30 days** for the SPIO to furnish the information under Section 7(1) of the RTI Act, 2005, expired on **29/08/2025**.
3. The SPIO (Respondent No. 1) failed to provide the requested information or issue any decision of refusal, thereby constituting a '**deemed refusal**' of the information.
4. Aggrieved by the deemed refusal, the Appellant filed the First Appeal (Reg. No. DIRPR/A/2025/61796) on **14/09/2025** before the FAA (Respondent No. 2).
5. As of the date of filing this Second Appeal (15/11/2025), the FAA has **failed to pass an order** on the First Appeal within the mandatory 30 days (or 45 days, if extended in writing) prescribed under Section 19(1) of the Act.

## ● Grounds for Second Appeal (Legal Points)


The Second Appeal is being filed under Section 19(3) on the following grounds:

1. **Violation of Section 7(1) - Deemed Refusal by SPIO:**
  - The SPIO has failed to dispose of the RTI application within the mandatory 30-day period. Under the proviso to Section 7(2) of the RTI Act, 2005, the failure to give a decision on the RTI request within the period specified shall be deemed to be a **refusal** of the request.
  - This refusal is a direct contravention of the SPIO's statutory duty to provide information or reject the application with reasons within the stipulated time.
2. **Violation of Section 19(1) - Non-Disposal by FAA:**

*Deemed Refusal*

- The First Appellate Authority has failed to pass an order on the First Appeal within the prescribed period of **30 days** (or 45 days) from the date of appeal filing (14/09/2025).
  - The inaction of the FAA has resulted in the denial of the Appellant's right to information and has frustrated the two-tier appellate mechanism provided by the Act.
- 3. Mandate for Free Information (Section 7(6)):**
- Since the SPIO failed to comply with the time limit under sub-section (1) of Section 7, the information sought must be provided **free of charge** to the Appellant, as per the mandate of Section 7(6) of the RTI Act, 2005.
- 4. Requirement for Penalty and Disciplinary Action (Section 20):**
- The SPIO's failure to provide information within the prescribed time, without any reasonable cause, attracts the provisions of Section 20 of the Act for imposition of a penalty and recommendation for disciplinary action.

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 **Prayer / Relief Sought**

In light of the facts and grounds mentioned above, the Appellant, Devi Prasad Gupta, humbly prays to the Hon'ble State Information Commission to:

- a. Admit and allow this Second Appeal under Section 19(3) of the Right to Information Act, 2005.
- b. Direct the concerned SPIO (Respondent No. 1) to forthwith provide the complete, accurate, and legible information as requested in the original RTI Application (DIRPR/R/2025/61913).
- c. Direct that the information be provided free of cost to the Appellant as per the provision of Section 7(6) of the RTI Act, 2005.
- d. Initiate proceedings for imposing a penalty upon the SPIO (Respondent No. 1) under Section 20(1) of the Act for the deemed refusal of the application and the consequent clear violation of Section 7(1).
- e. Recommend disciplinary action against the SPIO (Respondent No. 1) under Section 20(2) of the Act.
- f. Take necessary action against the FAA (Respondent No. 2) for the failure to discharge the statutory duty under Section 19(1) of the Act.



g. Pass any other order or direction as deemed fit and proper in the interest of justice, transparency, and accountability.

Verification:

I, Devi Prasad Gupta, the Appellant, residing at the address mentioned above, hereby verify that the contents of this Appeal are true and correct to the best of my knowledge and belief.

Place: Mirzapur

Date: 15/11/2025



(Devi Prasad Gupta)

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