

100467 (A)
10/05/2024

Email

State Chief Information Commissioner West Bengal

Fw: Second Appeal i RTI, 2005: by Vijay H. Jaiswal, Mumbai - 400 056.

From : threecirclesmumbai@yahoo.co.in

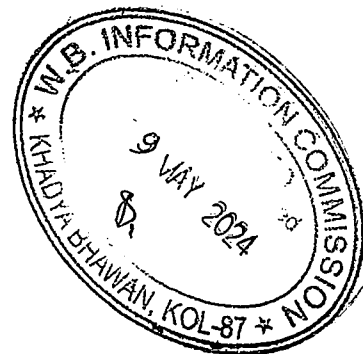
Tue, May 07, 2024 08:10 AM

Subject : Fw: Second Appeal i RTI, 2005: by Vijay H. Jaiswal, Mumbai - 400 056.

1 attachment

To : State Chief Information Commissioner West Bengal <scic-wb@nic.in>

Reply To : Vijay Jaiswal <threecirclesmumbai@yahoo.co.in>



----- Forwarded message -----

From: Vijay Jaiswal <threecirclesmumbai@yahoo.co.in>

To: scic-wb@nic.com <scic-wb@nic.com>; seramporeps_07@yahoo.co.in <seramporeps_07@yahoo.co.in>

Sent: Tuesday, 7 May, 2024 at 08:04:34 am IST

Subject: Second Appeal i RTI, 2005: by Vijay H. Jaiswal, Mumbai - 400 056.

Find attached advance copy of RTI, 2005 second Appeal - sent by mail, hard copy sent by Speed Post.

07.05.24 RTI SERAMPORE SECOND APPEAL..pdf
310 KB

(A)

Alpha
Security check
all enclosed.

9/5/24

Right to Information Act, 2005

Second Appeal

UNDER Right to Information Act, 2005

UNDER SECTION: 19 - (5)

In Application dated. 15.02.2024.

First Appeal is dated 20.03.2024.

Second Appeal is filed on 07/05/2024.

To,

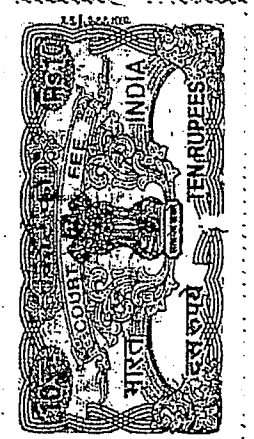
The State Chief Information Commissioner, (West Bengal),

11. A, Mirzra Galib Street, Khadhya Bhavan,

Kolkata – 700087.

Phone: 033 – 22520509.

Mail Id: scic-wb@nic.com



- 1) Full name of the Applicant : Vijay Jaiswal.
- 2) Address : 35, Kanta Nivas, D. J. Road,
Vile Parle West,
Mumbai – 400 056
- 3) Particulars of Information Officer. : Sr. Inspector of Police,
Serampore Police Station,
K. N. Saha Street,
Chandan Nagar,
Serampore. West Bengal,
Pin: – 712201.
- 4) Appeal against order of refusal. : Application dated. 15/02/2024 has not
been answered by the PIO.
First Appeal is dated 20.03.2024 has not
been answered by the Sr. PIO.

- 5) Last date of appeal against : Last date for first Appeal: 20.05.2024.
the order of refusal.

Grounds for appeal:

The PIO & Sr. PIO designated in the office of Sr. Inspector of Police station at Serampore have failed and neglected to provide the requested information as per Application filed by the Applicant under RTI, 2005. Refer Section 6 of Right to Information Act, 2005.

Prayer:

- (i) Public Information Officer may please be directed to provide all information by indexing and paging its pages including internal investigation reports as requested by the Appellant free of cost as per provisions of sub section 6 of Section 7 of Right to Information Act, 2005.
- (ii) Action against the Public Information officer as per the provisions of Section 20 of Right to Information Act, 2005. The appellant requests to impose penalty of Rs.250/- per day till information is provided - against the PIO for his utter disrespect to law.
- (iii) The Sr. PIO is requested to give reasons of not imposing the penalty as per the RTI, Act, 2005.

Vijay H. Jaiswal,

(Appellant)

Place: Mumbai

Date: 07/05/2024.

Cell: 98203 86662.

Encl:

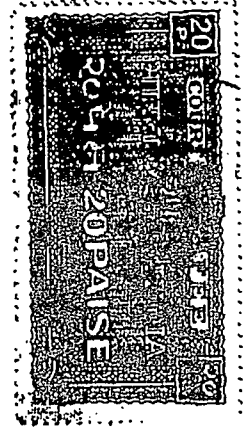
Copy of First Appeal dated 20/03/2024 together with Application dated 15.02.2024.

Advance copy sent by mail, hard copy is sent by speed post.

Right to Information Act, 2005
First Appeal

UNDER Right to Information Act, 2005
UNDER SECTION: 19 - (1)
In Application dated. 15.02.2024.

First Appeal is dated 20.03.2024.



To,
The Senior Public Information officer,
Designated in the office of
Sr. Inspector of Police,
Serampore Police Station,
K. N. Saha Street,
Chandan Nagar,
Serampore. West Bengal,
Pin: - 712201.

- 1) Full name of the Applicant : Vijay Jaiswal.
- 2) Address : 35, Kanta Nivas, D. J. Road,
Vile Parle West,
Mumbai - 400 056
- 3) Particulars of Information Officer. : Sr. Inspector of Police,
Serampore Police Station,
K. N. Saha Street,
Chandan Nagar,
Serampore. West Bengal,
Pin: - 712201.

- 4) Appeal against order of refusal : Application dated. 15/02/2024 has not been answered by the PIO.
- 5) Last date of appeal against the order of refusal : Last date for first Appeal: 15.04.2024.

Grounds for appeal:

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Prayer:

- (i) Public Information Officer may please be directed to provide all information by indexing and paging its pages including internal investigation reports as requested by the Appellant free of cost as per provisions of sub section 6 of Section 7 of Right to Information Act, 2005.
- (ii) Action against the Public Information officer as per the provisions of Section 20 of Right to Information Act, 2005. The appellant requests to impose penalty against the PIO for his utter disrespect to law.
- (iii) The Sr. PIO is requested to give reasons of not imposing the penalty as per the RTI, Act, 2005.

Vijay H. Jaiswal-

(Appellant)

Place: Mumbai

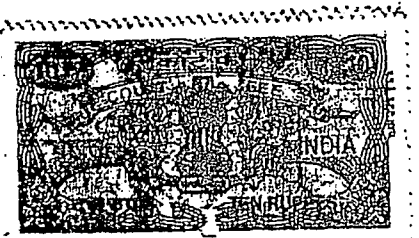
Date: 20.03.2024.

Cell: 98203 86662.

Encl:

Copy of Application dated 15.02.2024.

RIGHT OF INFORMATION ACT, 2005



APPLICATION UNDER RIGHT TO INFORMATION ACT, 2005
UNDER SECTION 6
(No. 22 of 2005)

To,
The Public Information Officer,
Sr. Inspector of Police,
Serampore Police Station,
K. N. Saha Street,
Chandan Nagar,
Serampore. West Bengal,
Pin: - 712201.

- (1) Full name of the applicant : Vijay Hiralal Jaiswal
- (2) Address : 35, Kanta Nivas, D. J. Road
Vile Parle (W), Mumbai - 400 056

(3) Re: Police complaint dated 07/08/2023, sent by e.mail seramporeps_07@yahoo.co.in on same day, hard copy sent by Speed Post. ALL THOSE messages tenements buildings hereditaments, buildings, dwelling houses, out houses, sheds, godowns, structures and premises together with the pieces or parcels of land or ground thereunto belonging whereon or on parts whereof the same are erected and built containing an area 5 Bighas 16 Cottahs more or less (equivalent to 1.918 Acres) situated lying at and being the divided and demarcated part of municipal holding no. 30, Bose Para lane, Baghbazar, Serampore of Serampore Municipality and comprised of the Dags and

mentioned below in L. R. Khatian No. 5009 in Mouza Mahesh, Sheet no, 14, Police station Serampore, L. J. No. 15 in the District of Hooghly, West Bengal, Investigation officer Mr. Dipendudas – Cell no. 033 26525200. :-

(4) Subject matter of information: Kindly provide following documents:

Kindly provide, copy of entire proceedings / Investigation on complaint lodged by Applicant, Vijay Jaiswal. Copy of complaint is enclosed.

(5) The period to which the information relates, complaint dated 07/08/2023 up to date.

(6) Whether information/inspection required by post or in person: By e.mail id threecirclesmumbai@yahoo.co.in

(7) In case by post (Ordinary, Registered or Speed). : N. A.

(VIJAY HIRALAL JAISWAL)..... APPLICANT

Place : Vile Parle, Mumbai.

Date : 15/02/2024.

Cell: 98203 86662,

Encl: Copy of complaint dated 07/08/2023.

Tel: 98203 86662.
threecirclesmumbai@yahoo.co.in

VIJAY JAISWAL

35, KANTANIVAS,
D. JOSHI ROAD,
VILE PARLE (w),
MUMBAI: 400 056.
Date:07.08.2023.

Ref: IC/7.

To,
The Senior Inspector of Police,
Mr. Dipendudas,
Serampore Police station,
K. N. Saha Street,
Chandan Nagar,
Serampore.
Pin: 712201.

Tel No. 033 2652 5200.

e.mail id <seramporeps_07@yahoo.co.in>

Dear Sir,

I am the owner of a property described below.

First schedule above referred to:

Part I

(Said property)

ALL THOSE messages tenements buildings hereditaments, buildings, dwelling houses, out houses, sheds, godowns, structures and premises together with the pieces or parcels of land or ground thereunto belonging whereon or on parts whereof the same are erected and built containing an area 5 Bighas 16 Cottahs more or less (equivalent to 1.918 Acres) situated lying at and being the divided and demarcated part of municipal holding no. 30, Bose Para lane, Baghbazar,

Serampore of Serampore Municipality and comprised of the Dags and mentioned below in L. R. Khatian No. 5009 in Mouza Mahesh, Sheet no, 14, Police station Serampore, L. J. No. 15 in the District of Hooghly, West Bengal:-

Very recently, I have appointed Mr. Rakesh Sharma to look after my properties by giving Registered Power of Attorney executed in his favour. During his visit to Serampore, he informed me that one local person Mr. Jimmy Paswan (Cell No. 90073 93817) who introduced himself as buyer of my property sold by one Mr. Uday Shankar Gupta (Cell No. 70031 11986 & 98366 77442) allegedly holder of my forged power of attorney, I say I have not issued any power of attorney to any one in West Bengal. In any event for sale of property by holder of Power of Attorney is prohibited by law.

The said Mr. Jimmi Paswan claiming to be purchaser of my property has informed him that the machineries in the property has been sold out in scrap to venders for sum of Rs.1.5 crore approximately and has admitted that he has demolished the existing building admeasuring about 7762 Sqm for the purpose of developing the above stated property.

I informed him that the sale of property is illegal and that there is no one in West Bengal having my Power of Attorney to same my property. I requested him not to indulge in to illegal activity.

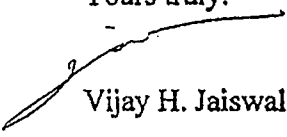
The damage suffered by me on account of cost of demolished structure is 15 crore approximate (at Rs.2000/- per Sqft) in addition to sale of machineries.

I request for appropriate action against the accused on the above subject.

Respectfully submitted,

I am

Yours truly.


Vijay H. Jaiswal.

Aadhar card no: 5334 7323 8514.

Encl: Copy of sale Agreement.

CC to:

1. Sub Divisional officer, Shri. Samrat Chakraborty WBCS (EXE)
345 "C", Chatra, Serampore, West Bengal,
Pin: 742 000.

e.mail id <sdo-serampore@hooghly.nic.in>

2. Municipal Commissioner/City Engineer,
1, N. S. Avenue, District Hooghly, Near Station Bazar, Serampore, West
Bengal, Pin: 712 201.

e.mail id <seramporemunicipality@gmail.com>



Right to Information Act, 2005

Second Appeal

UNDER Right to Information Act, 2005

UNDER SECTION: 19 - (5)

In Application dated. 15.02.2024.

First Appeal is dated 20.03.2024.

Second Appeal is filed on 07/05/2024.



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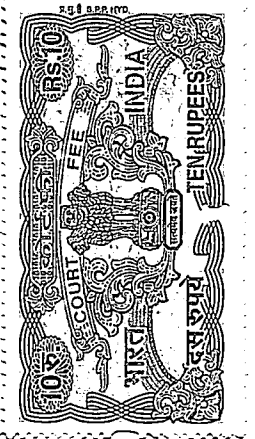
The State Chief Information Commissioner, (West Bengal),

11. A, Mirza Galib Street, Khadya Bhavan,

Kolkata – 700087.

Phone: 033 – 22520509.

Mail Id: scic-wb@nic.com



- 1) Full name of the Applicant : Vijay Jaiswal.
- 2) Address : 35, Kanta Nivas, D. J. Road,
Vile Parle West,
Mumbai – 400 056
- 3) Particulars of Information Officer. : Sr. Inspector of Police,
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A

Also
Received
in email

Angin
C. Saha

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Vijay H. Jaiswal.

(Appellant)

Place: Mumbai

Date: 07/05/2024.

Cell: 98203 86662.

Encl:

Copy of First Appeal dated 20/03/2024 together with Application dated 15.02.2024.

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Right to Information Act, 2005

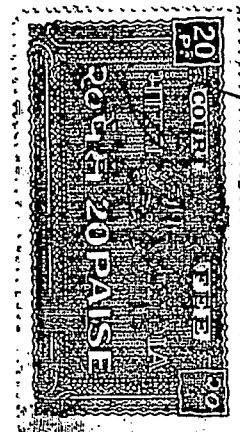
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Vijay H. Jaiswal-

(Appellant)

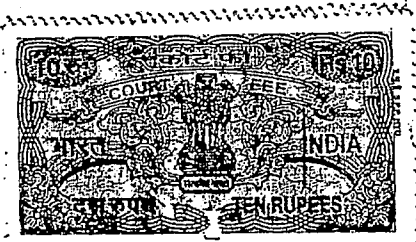
Place: Mumbai

Date: 20.03.2024.

Cell: 98203 86662.

Encl:

Copy of Application dated 15.02.2024.



RIGHT OF INFORMATION ACT, 2005

APPLICATION UNDER RIGHT TO INFORMATION ACT, 2005

UNDER SECTION 6

(No. 22 of 2005)

To,
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Serampore Police Station,
K. N. Saha Street,
Chandan Nagar,
Serampore. West Bengal,
Pin: - 712201.

(1) Full name of the applicant : Vijay Hiralal Jaiswal

(2) Address : 35, Kanta Nivas, D. J. Road
Vile Parle (W), Mumbai - 400 056

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Place : Vile Parle, Mumbai.

Date : 15/02/2024.

Cell: 98203 86662,

Encl: Copy of complaint dated 07/08/2023.

Tel: 98203 86662.
threecirclesmumbai@yahoo.co.in

VIJAY JAISWAL

35, KANTANIVAS,
D. JOSHI ROAD,
VILE PARLE (w),
MUMBAI: 400 056.
Date:07.08.2023.

Ref: TC/7.

To,
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Serampore Police station,
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Chandan Nagar,
Serampore.
Pin: 712201.

Tel No. 033 2652 5200.

e.mail id <seramporeps_07@yahoo.co.in>

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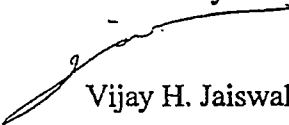
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Respectfully submitted,

I am

Yours truly.



Vijay H. Jaiswal.

Aadhar card no: 5334 7323 8514.

Encl: Copy of sale Agreement.

CC to:

1. Sub Divisional officer, Shri. Samrat Chakraborty WBCS (EXE)

345 "C", Chatra, Serampore, West Bengal,

Pin: 742 000.

e.mail id <sdo-serampore@hooghly.nic.in>

2. Municipal Commissioner/City Engineer,

1, N. S. Avenue, District Hooghly, Near Station Bazar, Serampore, West
Bengal, Pin: 712 201.

e.mail id <seramporemunicipality@gmail.com>

Hearing on 16-02-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Wed, 28 Jan 2026 1:55:47 PM +0530

To "Shri Amit P. Javalgi, IPS"<cp.cpc-wb@gov.in>

Cc "Vijay Jaiswal"<threecirclesmumbai@yahoo.co.in>

Please find the attachment, for further details visit our website

West Bengal Information Commission

1 Attachment(s)

WBIC-RTI-A-100467-1267-202...

16.4 KB

D. NO - 465 (MISSION)
09/02/26

C.M.B. NO

Written Arguments by Vijay Jaiswal in RTI Appeal No. 100467 of 2025.

Vijay Jaiswal < threecirclesmumbai@yahoo.co.in >

Mon, 09 Feb 2026 8:16:01 AM +0530

To "State Chief Information Commissioner West Bengal" < scic-wb@nic.in >

Cc "parthadutta23896@gmail.com" < parthadutta23896@gmail.com >

Respected Sir,

Please find the attachment.

Since I am a cancer patient, I may appoint a counsel to appear on my behalf if I cannot attend a virtual Google Meet. I will issue letter of authority to him.

My written arguments are self-explanatory.

Submitted respectfully.
Vijay Jaiswal Appellant.
98203 86662..

1 Attachment(s)

09.02.26 WRITTEN ARGUME...

190.9 KB

Hearing Date - 16/2/26

H. SEIC

100467/1267/2025

SK

09/02/2026.

WRITTEN SUBMISSIONS ON BEHALF OF THE APPELLANT

(To be taken on record)

Before the West Bengal Information Commission

Kolkata

Appeal No.: 100467 of 2025

In the matter of: hearing of Second Appeal Before the West Bengal Information Commission bearing No. 100467 of 2025 scheduled on 16/02/2026 at 11.30 am.

Vijay Hiralal Jaiswal ... Appellant

Versus

The SPIO & FAA

Chandannagar Police Commissionerate ... Respondents

I. PRELIMINARY STATEMENT

1. The Appellant respectfully submits that **no reply whatsoever** was ever received by him in response to:

- RTI Application dated **15.02.2024**, or
- First Appeal dated **20.03.2024**, by post and by email, during the year 2024 or thereafter.

2. The Appellant came across documents now marked as **Exhibit-B** (reply dated 29.02.2024) and **Exhibit-D** (reply dated 02.04.2024) **for the first time only on 08.02.2026**, when copies were forwarded by email pursuant to the hearing notice issued by this Hon'ble Commission.
 3. Both these replies bear endorsement / certification dated **06.02.2026**, i.e., **after issuance of the hearing notice**, clearly demonstrating that these documents were never served earlier and have surfaced only after intervention of this Hon'ble Commission.
-

II. FACTUAL BACKGROUND

4. The Appellant lodged a **written police complaint dated 07.08.2023** with Serampore Police Station alleging:
 - o Forgery of Power of Attorney,
 - o Illegal sale of immovable property,
 - o Demolition of existing structures, and
 - o Theft and disposal of machinery worth approximately ₹1.5 crore, causing an overall loss exceeding ₹15 crores.
5. No NCR enquiry report followed by FIR, or communication was ever provided to the Appellant regarding the said complaint.
6. To ascertain the status of his complaint, the Appellant filed an **RTI Application dated 15.02.2024**, enclosing a copy of the police complaint and specifically seeking:

“copy of entire proceedings / investigation on complaint lodged”.

7. In absence of any reply, the Appellant filed a **First Appeal dated 20.03.2024**, followed by a **Second Appeal dated 07.05.2024** before this Hon'ble Commission.
-

III. TOTAL NON-RESPONSE AMOUNTS TO DEEMED REFUSAL

8. Since **no reply was ever served** on the Appellant within the statutory period, the Respondent committed **deemed refusal** under Section 7(1) of the RTI Act.
 9. The alleged internal replies now produced cannot cure the statutory default, as:
 - o service is an essential ingredient under the Act, and
 - o information not communicated is information denied.
 10. The offence under Section 20 of the RTI Act therefore stood **complete in 2024 itself**.
-

IV. EXHIBITS B & D ARE POST-FACTO AND SELF-SERVING

11. The replies marked as Exhibit-B and Exhibit-D are:
 - non-responsive,
 - identically structured, and
 - entirely silent on the subject matter of the RTI request.

12.No proof of delivery, acknowledgment, or contemporaneous dispatch has been produced.

13.The “Certified to be true copy” endorsement dated **06.02.2026** clearly indicates that these documents were:

- retrieved, compiled, or generated only after receipt of the hearing notice, and
- intended to create a defence retrospectively.

14.Such conduct attracts **adverse inference** and demonstrates lack of bona fides.

V. COMPLETE SUPPRESSION OF POLICE COMPLAINT DATED 07.08.2023.

15.Even assuming (without admitting) that Exhibits B & D are genuine, they:

- do not mention the police complaint dated 07.08.2023 at all.

16.No information has been disclosed regarding:

- diary entry / GD / NCR,
- enquiry conducted,
- accused persons examined, or
- action taken report.

17. Silence on a serious complaint involving cognizable offences amounts to **deliberate suppression of information**, not a mere procedural lapse.

VI. ADMITTED VIOLATION OF SECTION 5 (2) OF RTI ACT

18. In both Exhibit-B and Exhibit-D, the Respondent categorically states that:
“There is no such designated Public Information Officer / First Appellate Authority.”

19. This is a **clear admission** of violation of Sections 5 (1) and 5 (2) of the RTI Act, which mandatorily require:

- designation of PIOs and FAAs, and
- assistance to applicants even if the application is addressed incorrectly.

20. Failure of internal administration **cannot be used to defeat a citizen's statutory right.**

21. Instead of transferring the application under Section 6 (3) or rendering assistance, the Respondent chose to obstruct access to information.

VII. CASE FOR IMPOSITION OF MAXIMUM PENALTY UNDER SECTION 20

22. This is a fit and aggravated case for imposing **maximum penalty of ₹25,000** under Section 20, because:

- information was never supplied,
 - replies were never served,
 - documents surfaced only after Commission notice,
 - defence is contrary to statute, and
 - conduct reflects mala fide intent to shield police inaction.
-

VIII. RELIEFS SOUGHT

The Appellant respectfully prays that this Hon'ble Commission may be pleased to:

1. **Direct immediate disclosure** of complete information relating to police complaint dated 07.08.2023, including:
 - GD / NCR details,
 - enquiry reports,
 - names and replies of accused persons, and
 - action taken till date.
 2. **Direct recording of NCR and disclosure thereof**, if not already done.
 3. **Impose maximum penalty of ₹25,000 under Section 20** on the erring SPIO.
 4. Pass such further orders as may be deemed fit in the interest of transparency and justice.
-

IX. MODE OF REPRESENTATION

The Appellant is based in Mumbai and may:

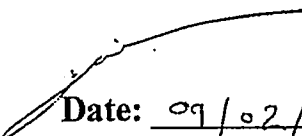
- appear **virtually**, and/or

- be represented through **legal counsel**,
placing reliance primarily on **written submissions**, owing to lack of faith
arising from administrative conduct.
-

Filed by:

Vijay Hiralal Jaiswal... Appellant.

Mumbai

 **Date:** 09/02/2026

9820386662.

<threecirclesmumbai@yahoo.co.in>

D.NO - 552 (ATR)
12/02/26

LINA D. NO -

Appeal No.100467 of 2024

< pgcellcpc@gmail.com >

Thu, 12 Feb 2026 3:04:16 PM +0530

To "scic-wb"<scic-wb@nic.in>

Tags Not in Contacts

Kindly open the attachment.

1 Attachment(s)

Appeal No.100467.pdf

459.9 KB

H. Date - 16/2/26
H. SEJC
100467/1267/2025

SK

Government of West Bengal
Office of the
Assistant Commissioner of Police, HQ & SPIO,
Chandannagar Police Commissionerate

Memo No. 31/RTI/ACP(HQ) SPIO

Dated 12 /02/2026

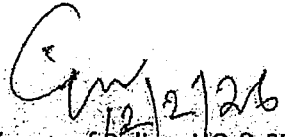
To,
The Section Officer,
West Bengal Information Commission,
Khadya Bhaban,
11A, Mirza Galib Street,
Kolkata – 700087.

Sub: - Notice for hearing of appeal.

Ref: - Appeal No.100467 of 2024 Memo No.357-
WBIC/RTI/A/100467/1267/2025 dt.21.01.2026.

With reference to the above, this is to inform you that after scrutiny of the office record of the undersigned, it is found that the appellant Shri Vijay Hiralal Jaiswal of 35 Kanta Nivas, D.J. Road, Vile Parle West, Mumbai – 400056, did not submit any RTI application before the office of Assistant Commissioner of Police (HQ) and SPIO, Chandannagar Police Commissionerate and the RTI application which was sent by the applicant addressed to the Public Information Officer, Sr. Inspector of Police, Serampore Police Station, K.N. Saha Street, Chandannagar, Serampore, West Bengal, Pin – 712201, has not received from anywhere till now. Therefore, the undersigned could not be able to provide any RTI information to the appellant. Upon receiving the notice of hearing from the WBIC, vide Appeal No.100467 of 2024 & Memo No. 357-WBIC/RTI/A/100467/1267/2025 dated 21.01.2026, a letter was sent to the Inspector-in-Charge, Serampore PS, Chandannagar PC vide Memo No. 48/DCP(HQ)/CPC dated 30.01.2026 to cause an enquiry regarding this issue & asked for a report to be submitted. As per report duly submitted by the Inspector-in-Charge, Serampore PS, Chandannagar PC vide DR No.670 dt.08.02.2026, it is found that in this regard after receiving the RTI petition from the petitioner dt.19.02.2024, a letter was sent to the petitioner by the Serampore PS vide DR No.974 dt.29.02.2024 and requested the petitioner to send his RTI application before the appropriated designated public authority, as there is no such designated public authority exists at Serampore PS as mentioned in the RTI petition of the petitioner. The reply of SI Prabin Kr. Singh of Serampore PS, CPC dt.29.02.2024 is enclosed herewith for ready reference.

This is for kind information.


Assistant Commissioner of Police, HQ & SPIO,
Chandannagar Police Commissionerate

Encl : As stated above.



Shri Vijay Hiralal Jaiswal
35, Kanta Nivas,
D.J. Road, Vile Parle (W),
Mumbai - 400056

Sub.-: Reply of your RTI petition dated 15.02.2024

Sir,

In response to your RTI petition dtd. 15.02.2024, I like to draw your attention to the fact that you have asked for some information under Right to Information Act, 2005. I like to clearly inform you that you have addressed the petition to:- "The Public Information Officer, Sr. Inspector of Police, Serampore Police Station, K. N. Saha Street, Chandan Nagar, Serampore. West Bengal, Pin: -712201". There is no such designated public authority available at Serampore Police station as you have mentioned in your petition. The list of designated public authority has been clearly mentioned in public domain. So, you are requested to send your RTI application seeking the desired information to the designated public authority as per RTI Act 2005.

This is for your kind information.

Thanking you

Sincerely Yours,

Prabin Kr. Singh
SI Prabin Kr. Singh 29.2.24

Serampore P.S.

Chandannagar Police Commissionerate

Forwarded
[Signature]
29.02.24
Inspector-In-Charge
Serampore P.S.
Chandannagar P.C.

DR - 974
29.2.24

Certified to be true copy

[Signature]
06-02-24
I. C. Serampore P.S.
Chandannagar P. C.

WEST BENGAL INFORMATION COMMISSION
Khadya Bhavan, 11A, Mirza Galib Street, Kolkata - 700 087.
Phone No. (033) 2252 0509, 2252 0501
Website :www.wbic.wb.gov.in ; e-mail : scic-wb@nic.in

Appeal no. 100467 of 2025 under the Right to Information Act, 2005

RTI Appellant : Vijay Jaiswal

SPIO : Shri Tapan Aguan, SPIO & ACP (HQ),
Chandannagar Police Commissionerate

First Appellate Authority : Deputy Commissioner of Police (HQ),
Chandannagar Police Commissionerate

Date of RTI : 15.02.2024

Date of First Appeal : 20.03.2024

Date of second appeal : 09.05.2024
before the Commission

Date of hearing : 16.02.2026

Present for hearing -

a) SPIO : Virtually

b) First Appellate Authority : ----

c) Appellant : Absent

Ref: Hearing Memo no. 357-WBIC/RTI/A/100467/1267/2025 dated 21.01.2026

Facts on Record :

1. Shri Vijay Jaiswal (hereinafter referred to as the appellant) filed an RTI application to the SPIO, Serampore Police Station, Chandannagar Police Commissionerate seeking the following information regarding lodge a written complaint on 07.08.2023 related to Forgery of power of attorney, illegal sale of immovable property etc.;

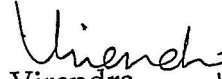
 - i) Kindly provide copy of entire proceedings / investigation on complaint lodged by the applicant. Copy of complaint is enclosed.

2. Ground for second appeal was non-response of the SPIO and relief sought is to provide the information.
3. The SPIO in the ATR, vide memo no.31/RTI/ACP (HQ) SPIO dated 12-02-2026, has stated that the appellant did not file the RTI application to the appropriate public authority. As a result, the information could not be provided in due course. However,

after receiving the WBIC notice / RTI application, the information has been provided to the appellant vide memo no.32/RTI/ACP (HQ) SPIO dated 12-02-2026.

Deliberation and Decision

4. The appellant was absent despite the option of virtual hearing. He has neither sent any information nor any representative. He was not contactable on phone either. The SPIO was present virtually.
5. It is seen that the appellant has been replied vide para 3 above wherein the information has been denied u/s 8 (1) (h) RTI Act. The case is closed.
6. The matter is disposed of.


Virendra 16/2/26
State Chief Information Commissioner
West Bengal

Memo No : 808- WBIC/RTI/A/100467/1267/2025 Date: 17 / 02 / 2026

Copy forwarded to :-

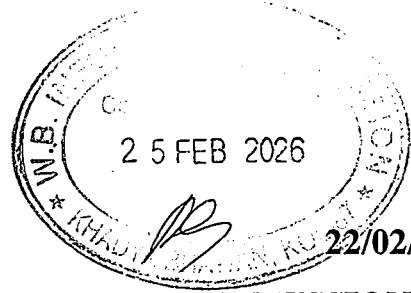
1. Shri Tapan Aguan, SPIO & Assistant Commissioner of Police (HQ), Chandannagar Police Commissionerate, Chinsurah Police Line, PO+PS- Chinsurah, Dist- Hooghly., PIN- 712101.
2. The First Appellate Authority & Deputy Commissioner of Police (HQ), Chandannagar Police Commissionerate, Chinsurah Police Line, PO+PS- Chinsurah, Dist- Hooghly., PIN- 712101.
3. Shri Vijoy Jaiswal, 35 Kanta Nivas, D.J. Road, Vile Parle West, Mumbai-400056.


Law Officer & Joint Registrar
West Bengal Information Commission

D.NO-731 (Submission)
25/02/26

Linn. S. NO-

18



22/02/2026.

BEFORE THE WEST BENGAL INFORMATION COMMISSION

Khadya Bhavan, 11A, Mirza Galib Street, Kolkata – 700087

Recall-cum-Review Petition

(Seeking Restoration of Ex-Parte Order Dated 16.02.2026)

In

Second Appeal No. 100467 of 2025

Under the Right to Information Act, 2005

Appellant:

Vijay Hiralal Jaiswal

35, Kanta Nivas, D.J. Road,

Vile Parle (West), Mumbai – 400056

Email: threecirclesmumbai@yahoo.co.in

Mobile: 98203 86662

Lo
pl examine &
discuss.
25/2/26

Versus

Respondent:

The SPIO & ACP (HQ),

Chandannagar Police Commissionerate

Recall-cum-Review Petition Against Ex-Parte Disposal Order Dated 16.02.2026

Most respectfully submitted:

1. Preliminary Submission

09.02.26

3. K
Head
16/02/26

1. The appellant seeks **recall, review, and restoration** of the ex-parte order dated **16.02.2026**, passed without granting any real or effective opportunity of hearing and based on facts that are demonstrably incorrect on the face of the record.
 2. The order incorrectly records that the appellant:
 - was absent,
 - sent no information, and
 - was “not contactable on phone”.
 3. Each of these findings is factually incorrect and legally unsustainable.
-

2. Chronology of Undisputed Facts

4. The appellant filed his **written submissions on 09.02.2026** by email to WBIC’s official address. These detailed submissions were duly acknowledged electronically.
5. In the said email, the appellant expressly informed the Commission that:
 - he is a **cancer patient**, and
 - may appoint a counsel to appear on his behalf.
6. The appellant also clearly stated that the written submissions be taken on record.
7. On the date of hearing (16.02.2026), **no call, message or intimation** was received from WBIC by the appellant or his Advocate.

8. The appellant reasonably believed that:
 - his Advocate would appear, and
 - his written submissions sufficiently covered all legal and factual grounds, especially because hearings in RTI appeals are **not mandatory** under law.

 9. Despite this, the order incorrectly states that the appellant “was not contactable”, whereas **no attempt whatsoever** was made by the Commission to contact the appellant or his counsel.
-

3. Errors Apparent on the Face of the Record

A. Incorrect Finding: “Appellant absent... not contactable... no submissions sent.”

10. This finding is contradicted by documentary evidence:
 - Email dated 09.02.2026 submitting written arguments;
 - Acknowledgement of receipt by WBIC;
 - Prior notice of medical limitations;
 - Intimation regarding representation through counsel.
 11. When written submissions are already filed and acknowledged, the Commission is **duty-bound** to consider them before deciding.
-

B. Non-Consideration of Written Submissions

12. The impugned order does not even refer to the appellant’s written submission, let alone consider it.
 13. This constitutes **complete non-application of mind**, which is a valid ground for recall.
-

C. Failure to Provide Hearing / Technical Failure of VC

- 14.No call was made to the appellant.
 - 15.No attempt was made to contact the authorised Advocate.
 - 16.The virtual platform was not activated or communicated at the time of hearing.
 - 17.When the Commission conducts a virtual hearing, it must ensure:
 - activation of the VC link, and
 - communication with the parties.
 - 18.Failure to do so amounts to **denial of opportunity** under Section 19(6) of the Act.
-

D. Acceptance of SPIO’s Submissions Without Hearing Appellant

- 19.The Commission accepted the SPIO’s ATR without scrutinising:
 - the post-facto nature of replies dated 12-02-2026,
 - the admitted statutory violations under Sections 5(1)–(2),
 - the complete absence of timely service.
 - 20.These issues were explained in the written submission but ignored.
-

E. Incorrect Finding That “Information Has Been Provided”

- 21.The SPIO did **not** provide any information.
 - 22.The SPIO merely issued a **denial under Section 8(1)(h)**.
 - 23.Such denial cannot be treated as “information provided”.
 - 24.The impugned order therefore suffers from **patent factual error**.
-

4. Violation of Principles of Natural Justice

- 25.The following well-recognised principles have been violated:

- **Audi alteram partem** – right to be heard
- **Fair hearing requirement** under Section 19
- **Duty to consider written submissions**
- **Requirement of reasoned order**
- **No ex-parte order without real opportunity**

26. Courts have repeatedly held that orders passed without issuing real opportunity of hearing are liable to be recalled.

5. Medical Condition of Appellant

27. The appellant specifically informed the Commission on 09.02.2026 that he is a **cancer patient** and may require representation through counsel.

28. This factor required **greater procedural sensitivity**, which was absent.

6. Grounds for Recall / Review

29. The appellant respectfully submits the following grounds:

Ground 1: Order contains errors apparent on the face of the record.

Ground 2: Non-consideration of detailed written submissions.

Ground 3: No real opportunity of hearing was afforded.

Ground 4: Incorrect recording of facts (“not contactable”).

Ground 5: Accepting SPIO’s statements ex-parte is unjust.

Ground 6: Violation of Section 19(6).

Ground 7: Violation of natural justice.

Ground 8: Failure to appreciate post-facto nature of SPIO’s replies.

Ground 9: Denial under Section 8(1)(h) wrongly treated as “information provided”.

Ground 10: Appellant’s medical constraints were ignored.

All these grounds independently justify recall.

7. Prayer

In view of the above, the appellant most respectfully prays that this Hon'ble Commission may be pleased to:

1. **Recall and set aside** the ex-parte disposal order dated **16.02.2026**.
2. **Restore Second Appeal No. 100467 of 2025** to its original file.
3. Fix a **fresh hearing** after due intimation to the appellant and/or his advocate.
4. Consider the appellant's written submissions dated 09.02.2026 on merits.
5. Pass such further or other orders as this Hon'ble Commission may deem fit in the interest of justice.

8. List of Annexures Relied (Check your mailbox)

- Annexure A – Email dated 09.02.2026 with written submissions
- Annexure B – Written arguments filed on 09.02.2026
- Annexure C – Hearing notice dated 21.01.2026
- Annexure D – SPIO replies dated 12.02.2026
- Annexure E – Impugned order dated 16.02.2026
- Annexure F – Authority letter – filed along with Written Arguments & separately on 14/02/2026 – text e.mail.

VERIFICATION

I, Vijay Hiralal Jaiswal, hereby verify that the contents of this petition are true and correct to my knowledge and belief.

Date: 22/02/2026.

Place: Mumbai

 **Vijay Hiralal Jaiswal...** Appellant

9820386662; threecirclesmumbai@yahoo.co.in

09.02.26 Encl: Proof of dispatched communications...3 pages

Written Arguments by Vijay Jaiswal in RTI Appeal No. 100467 of 2025.

- Vijay Jaiswal

To: State, Cc: parthadutta23896@gmail.com · Mon, 9 Feb at 8:15 am

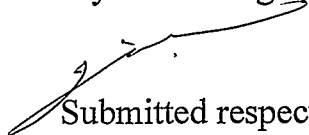
Message Body

Respected Sir,

Please find the attachment.

Since I am a cancer patient, I may appoint a counsel to appear on my behalf if I cannot attend a virtual Google Meet. I will issue letter of authority to him.

My written arguments are self-explanatory.

 Submitted respectfully.

Vijay Jaiswal Appellant.

98203 86662..

1 attachment Download

- 09.02.26 WRITTEN ARGUMENTS BY VIJAY JAISWAL RTI SERAMPORE.pdf
PDF · 191 KB

(No subject)

- Vijay Jaiswal

To: State Chief Information Commissioner West Bengal, <scic-wb@nic.in>

Cc: <parthadutta23896@gmail.com>

State, Cc: parthadutta23896@gmail.com · Sat, 14 Feb at 6:51 am

Message Body

14/02/2026.

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban

11A, Mirza Galib Street Kolkata-700 087

Phone No. (033)2252-0509, (033)2252-0501

Website: www.wbic.wb.gov.in | E-mail: scic-wb@nic.in

Memo No. 357-WBIC/RTI/A/100467/1267/2025

DATE : 21/01/2026

NOTICE FOR HEARING OF APPEAL

APPEAL No: 100467 of 2025

Appellant(s): Respondent(s): Appellate Authority:

Appellant(s)

VIJAY JAISWAL

35, Kanta Nivas, D.J. Road, Vile

Parle West, Mumbai - 400056 e

mail ID: threecirclesmumbai@y

ahoo.co.in

Maharashtra, Mumbai, 400056 SPIO :

Respondent(s)

1. The SPIO,
Chandannagar Police
Commissionerate, Netaji
Subhash Chandra Road,
Ghatakpara, Chinsurah R.S.,
Chinsurah, Hooghly, West
Bengal - 712101

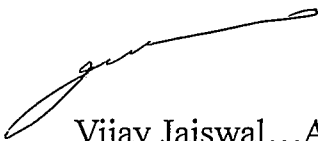
Appellate Authority.

The FAA, Chandannagar
Police Commissionerate, Netaji
Subhash Chandra Road,
Ghatakpara, Chinsurah R.S.,
Chinsurah, Hooghly, West
Bengal - 712101

Respected Sir,

In above matter, I have engaged services of Advocate Mr. Parth Datta (cell no. 98300 23896) – I enclose letter of authority in his favour to be taken on record. The hearing is scheduled to be held on 16/02/2026 at 11.30 am.

Thanking you.



Vijay Jaiswal...Appellant.

09.02.26