2778/(A)
22/07/2022





**SECOND APPEAL BEFORE WEST BENGAL INFORMATION COMMISSION**

**U/S 19(3) OF RTI Act, 2005.**

18th July, 2022

To

State Information Commission

11A, Mirza Galib Street,

"Khadya Bhawan", Kolkata – 700087.

## Sub: Second Appeal under the RTI Act, 2005

Dear Information Commissioner,

As I am aggrieved by the decisionState Public Information Officer and/or First Appellate Authority, I hereby file this appeal for your kind decision.

**1. Details of Appellant:**

- Full Name: Jitendra Agarwal, son of Late Gopal Prasad Agarwal.
- Full Address: 205, Rabindra Sarani, 1st Floor, Kolkata – 700007.
- Phone/Cell No:9830788100.
- Email ID:jitendraagarwal01@yahoo.com

**2. Details of State Public Information Officer:**

- Name/Designation:State Public Information Officer, Kolkata Police.
- Full Address: 138, S.N. Banerjee Road, Kolkata – 700013.

J. Agarwal
19/7/22

- Name of Public Authority: The Assistant Commissioner of Police and State Public Information Officer, Central Division, Kolkata.
- Date RTI application was sent on: 29.03.2022
- Date on which the PIO received RTI: 31.03.2022
- Reference No of PIO Decision:Memo No.432/CD (RTI) under Ref. : CD (RTI) No. 62/22.
- Date of PIO Decision:07.04.2022.
- Date of receipt of decision by myself: .....

**3. Details of First Appellate Authority:**

- Name/Designation: Deputy Commissioner of Police, Central Division, Kolkata Police.
- Full Address: 138, S. N. Banerjee Road, Kolkata – 700013.
- Date First Appeal was sent on: 23.05.2022.
- Date on which the FAA received appeal: 23.05.2022.
- Reference No of FAA Decision: 740/CD(RTI)
- Date of FAA Decision: 27.06.2022.
- Date of receipt of decision by myself: 30.06.2022.

**4. Particulars of Payment of Fee: IPO.**

Application Fee of Rs.10 was remitted as **[IPO/DD/Banker's Cheque]** numbered **[IPO/DD/Banker's Cheque Number]** for Rs.10/- dated **[Date of payment].**

**5. Details of information sought under RTI Act:**

The applicant herein vide his application for RTI dated 29.03.2022 sought information for 20 query from the concerned department in respect of the report submitted by S.I. AmiteshBala, but the appellant did not provide with the details

J. Agarwal
19/7/22

and satisfactory information of each reply. Moreover, the IPO has given false information.

**(Copy of the RTI application dated 29.03.2022 and copy of information provided to such application dated 24.04.2022 is attached herewith)**

**6. Brief facts of the case leading to appeal:**The First Appellant authority has not supplied the satisfactory reply of the query of the applicant and further each query was not dealt with proper information.

**7. Reasons/grounds for this appeal:**

1) The first Appellant authority in most non - technical manner rejected the prayer of the applicant. The applicant has preferred the first appeal when he has not received the proper and complete information/reply from the SPIO within the stipulated period of appeal. The application of RTI was made on 29.03.2022 and reply of the same was received by SIPO on 26.04.2022 by the applicant. The applicant preferred the first appeal on 23.05.2022, which is within the prescribed limitation as per RTI Act, 2005. The first appellant authority states that the applicant has already preferred 1st Appeal on 16.08.2021, which is beyond the statutory period of 30 days under Section 19(1) of the RTI Act, 2005, which false and the applicant states that he has preferred 1st Appeal against his RIT letter 29.03.2022 on 23.05.2022.

2) The First Appellant Authority failed to furnish the complete and detailed information which was sought by the applicant in his RTI Application as well as his 1st appeal.

J. Agarwal
19/7/22

3) The First appellant Authority also failed to furnish the details of the information which was sought by the applicant. The first appellant authority was failed to provide full particulars and details of each query of the applicant.

Being aggrieved and dissatisfied with the reply of the first appellant authority, the applicant preferred instant appeal.

**8. Any other information in support of appeal: No.**

**9. Prayer/relief sought for:**

i)The appellant prayed that appeal may be allowed and the applicant should provide with details of information of each query and take a legal action as per law of the officer, who failed to discharge his statutory duty in accordance with RTI Act, 2005.

ii) The Appellant further prays for compensation as per law for harassment and mental agony.

iii) The Appellant further prays for necessary order/orders may be pass as the Hon'ble Commission may deem fit and proper.

**10. Personal Presence at hearing:** YES / ONLINE (By both mode).

**11.** If 2nd appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal, explain the reason for the delay along with supporting documents.

I, Jitendra Agarwal, son of Late Gopal Prasad Agarwal, aged 50 years, being an Indian citizen do hereby solemnly affirm that the statements made herein are true

J. Agarwal
19/7/22

and best of my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

I also declare that this matter is not previously filed with this Commission nor is pending with any Court or Tribunal or Authority.

Signature of the applicant

J. Agarwal 19/7/22

(Jitendra Agarwal)

Place: Kolkata

Date:18th July, 2022

**List of documents to be enclosed: -**

(a) Self -attested copy of address proof document.

(b) Self -attested copy of RTI application.

(c) Self -attested photocopy of proof of RTI fee payment or of BPL status.

(d) Self -attested copy of 1st appeal.

(e) Self -attested copy of all communication/replies received from the public authorities in connection with the instant RTI application.

(f) 2nd appeal in the format as above.

(g) Any other documents in support of the 2nd appeal.

भारत सरकार
GOVERNMENT OF INDIA

जीतेन्द्र अगरवाल
JITENDRA AGARWAL
जन्म वर्ष / Year of Birth : 1972
पुरुष / Male

3586 4858 6588

आधार — आम आदमी का अधिकार

भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

पता:
S/O सेट गोपाल प्रसाद अगरवाल, डाइमन्ड सिटी नोर्थ ब्लोक-१९ , फ्लैट-२बी, ६८,जैस्सोर रोड, आदित्य होस्पिटल, श्यामनगर, बांगुर अवेन्यु ग.पो, कोलकाता, पश्चिम बंगाल, 700055

Address:
S/O Late Gopal Prasad Agarwal, DIAMOND CITY NORTH BLOCK-19 FLAT-2B, 68,JESSORE ROAD, ADITYA HOSPITALS, SHYAMNAGAR, Bangur Avenue S.O, Kolkata, West Bengal, 700055

1947
1800 180 1947

help@uidai.gov.in

www.uidai.gov.in

P.O. Box No.1947, Bangalore-560 001

J. Agarwal
19/7/22

**4. Particulars of Payment of Fee: IPO.**

Application Fee of Rs.10 was remitted as **[IPO/DD/Banker's Cheque]** numbered **[IPO/DD/Banker's Cheque Number]** for Rs.10/- dated **[Date of payment].**

**5. Details of information sought under RTI Act:**

The applicant herein vide his application for RTI dated 29.03.2022 sought information for 20 query from the concerned department in respect of the report submitted by S.I. AmiteshBala, but the appellant did not provide with the details

J. Agrawal
19/7/22

Refusal Appeal

BY SPEED POST WITH A/D

Date: 29/03/2022

To,

The State Public Information Officer,

KOLKATA POLICE,

18, Lalbazar Street,

Kolkata-700001.

Sub: An application under section 6(1) of the Right to Information Act, 2005 in respect of the report dated 29.10.2001 filed by the Sub-Inspector of Posta Police Station, Sri Amitesh Bala before the Learned Court of the Additional Chief Judicial Magistrate-I, Calcutta in connection with Misc. Case being No. 102/2021.

Dear Sir,

With due respect and obsequious submission, I, the undersigned in connection with the captioned subject, do hereby want to bring the following events for your kind attention:

That my employee on 19.10.2021 received a legal size paper from a police personnel of Posta Police Station in connection with the Complaint Case, being No. C-102/2021 wherefrom it is evident that the relevant Public servant, i.e. Sri Prithwiraj Bhattacharya being the Officer-in-Charge of the Police Station has shown his impudent garrulity transparently by making embossment of our National Emblem illegally on that very Office Stationary in order to insult or humiliate our entire nation, which is a clear infringement of Rule 6(2) in terms of the State Emblem (Prohibition of Improper Use) Act, 2005.

Moreover, in the said letter issued by the said Public Servant without any date and signature of the issuing authority.

It is very surprising to state here that he gave me direction to come to such Police Station which is evident from such letter.

EM237612854IN IVRs698723761285A
SP KOLKATA GPO (700001)
Counter No:11,29/03/2022,17:14
To:STATE PIO,KOLKATA POLICE
PIN:700001, KOLKATA GPO
From:J AGARWAL,R SARANI
Wt:40gms
Amt:29.50(Cash)Tax:4.50
<Track on www.indiapost.gov.in>

Tikritra Agarwal
29/3/22

J. Agarwal
19/7/22

cont.... P/2

In the fourth and fifth line of the said letter, the relevant person stated that he believed that I was well acquainted with the facts and circumstances of the said case, whereas I am practically complainant in respect of the said case.

That the police report was filed by said Amitesh Bala, S.I., Posta Police Station in connection with the abovementioned Misc. Case being No. 102/2021. That on and from the third line of the said report the said Amitesh Bala wrote transparently ".....enquiry into the attached petition was made by the undersigned and it could be ascertained that the instant petitioner's wife, namely Sarita Agarwal was the joint tenant alongwith one Nita Agarwal, aged about 51 years, wife of Prakash Agarwal of 146, M.G.Road, Kolkata-700007, in respect of one office at 1st Floor of 205, Rabindra Sarani, Kolkata-700007, who have their civil dispute amongst them since long. A few months earlier, while the petitioner was doing some civil works at his office, the said Nita Agarwal and the other tenants of the said premises namely, Uday Shankar Tiwary, aged about 62 years, son of Late Mataprasad Tiwary & Ghanshyam Sonkar, aged about 32 years, son of Shiv Kumar Sonkar protested against his wrong doings since they presume that some sort of illegal construction is going on at the said office room of the petitioner. Subsequently, they approached to one Mahesh Kumar Sharma, aged about 50 years, son of Late Sagarmal Sharma of 115, Cotton Street, Kolkata-700007, who holds the post of the President of Burrabazar District Congress Committee to raise voice on behalf of them. The said Mahesh Kumar Sharma against whom the allegation of extortion was made in the instant petition submitted several complaints in the Posta Police Station as well as in Br-IV, KMC, for supporting the ongoing construction work at petitioners office. Though KMC Authority neither issued Stop Work Notice nor lodged any FIR for unauthorized construction, the said act of Mahesh Kumar Sharma made the petitioner extremely unhappy and thereby a serious dispute arose by and between them ....."

NOW IN ACCORDANCE WITH THE PROVISION OF THE PREVAILING RIGHT TO INFORMATION ACT, 2005 KINDLY PROVIDE ME WITH THE INFORMATION IMMEDIATELY AS FOLLOWS:

1. Kindly provide me the copy of the evidences wherefrom it is transpired that a civil dispute was going on between Smt. Sarita Agarwal and Smt. Nita Agarwal since long. Is there any civil suit,

J. Agarwal

Cont.... P/3

pending before the concerned Learned Civil Court in this regard? Please narrate.

2. Kindly provide me with reference number and date of the order passed by the Home Secretary to the Government of West Bengal in respect of which the Officer-in-Charge of the Posta Police Station showed his haughty attitude to violate deliberately the aforesaid Rule 6(2) in terms of the State Emblem (Prohibition of Improper Use) Act, 2005.

3. Please give me categorically the causes of the said civil dispute.

4. Please give me the Memo number and date of the order passed by the Commissioner Of Kolkata Police against which Officer-in-Charge of the Posta Police Station insulted our entire nation through making willful commission of severe violation of the aforesaid Rule 6(2) read with the State Emblem (Prohibition of Improper Use) Act, 2005.

5. Kindly narrate me as to how it was ascertained by the said Amitesh Bala that I committed illegal construction into my said office at 205, Rabindra Sarani, 1st Floor, Room No.62, Police Station-Posta, Kolkata-700007

6. Kindly give the reference number and date of the order passed by the concerned Dy. Commissioner of Kolkata Police in terms of which the Officer-in-Charge of the Posta Police Station has shown his impudent garrulity by making intentional violation the aforesaid of Rule 6(2) in respect of the State Emblem (Prohibition of Improper Use) Act, 2005.

7. Please let me know as to why no FIR was registered under section 154(1) of the code of Criminal Procedure by the concerned Officer-in-Charge of the Posta Police Station in respect of the findings made by the said Amitesh Bala against such illegal construction which is a cognizable as well as non-bailable offence in terms of the Kolkata Corporation Act. What was the recorded vested interest involved with this matter?

8. Please provide me with the Memo number and date of the order passed by the Commissioner of Kolkata Police against which the

T. Agarwal
19/7/22

Cont.... P/4

Officer-in-Charge of the Posta Police Station got authority to issue such type of letter without any signature and date.

9. Kindly narrate me categorically the causes for which the said Amitesh Bala as well as said Prithwiraj Bhattacharya did not register any FIR against me inspite of being well informed regarding the commission of cognizable offence through such illegal construction.

10. Please give the reference number and date of the order passed by the concerned Dy. Commissioner of Kolkata Police against which the Officer-in-Charge of the Posta Police Station was authorized to issue the said letter without any signature and date.

11. Please let me know transparently under which statutory provision, Officer-in-Charge of the Posta Police Station is not entitled to register FIR against cognizable offence through commission of illegal construction where the concerned authority of the KMC does not submit any written complaint.

12. Kindly intimate me as to why the relevant Authority of the Posta Police Station did not take initiative for stopping the ongoing construction at my said office inspite of receiving several complaints lodged by the said Mahesh Kumar Sharma.

13. Please provide me with the Memo number and date of the order passed by the Commissioner of Kolkata Police in respect of which the relevant Public Servant i.e. the Officer-in-Charge of the Posta Police Station got authority to make direction upon the public like as Hon'ble Court. Kindly state the name and address of the person who empower him to direct me like his paternal servant.

14. Kindly give me the Reference number and date of the order passed by the concerned Deputy Commissioner of Kolkata Police against which the relevant Public servant i.e. the Officer-in-Charge of the Posta Police Station was authorized to insult or humiliate a civil person by making such direction upon me like the Learned Court by treating me his paternal servant.

15. Please provide me with the certified copy of the complaints lodged by the said Mahesh Kumar Sharma against me for stopping the ongoing construction at my said office alongwith the transparent certified copy

Cont.... P/5

J. Agarwal
19/7/22

of the relevant General Diary Entries in respect of the said complaints lodged by the said Mukesh Kumar Sharma.

16. Kindly provide me with the Memo number and date of order passed by the Home Secretary to the Government of West Bengal against which relevant Public Servant i.e. the Officer-in-Charge of the Posta Police Station was empowered to make direction upon me as his paternal servant.

17. Whether the relevant Officer-in-Charge of the Posta Police Station and the said Amitesh Bala were well aware of the letter dated 28.06.2021 issued by the Asst. Engineer (Civil)/Bldg./Br-IV&V, if so let me know about the actions taken by them in this regard against such letter. If so, kindly let me know about the ingredient for which such repairing work has been termed as illegal construction by the said Amitesh Bala transparently before the said Learned Court.

18. Kindly narrate me the recorded reasons for which knowing fully well about my lodged complaint, the said Officer-in-Charge mentioned that I was well acquainted with the facts and circumstances of the said case.

19. Please let me know regarding the statutory provision in terms of which the said Mahesh Kumar Sharma was authorized and empowered to raise voice and to impose criminal force against such illegal construction for and on behalf of the said Nita Agarwal and the other tenants of the said premises, namely, Uday Shankar Tiwary, aged about 62 years, son of Late Mataprasad Tiwary & Ghanshyam, aged about 32 years, son of Shiv Kumar Sonkar as stated above ignoring the activities and the legal obligations of the concerned public servants in this regard. What was the recorded vested interest involved in this regard? Also let me know under which statutory provision the concerned Police Personnel recognize the said Mahesh Kumar Sharma as the protector of law in this regard?

20. It is pertinent to mention here that the report which was filed by S.I., Amitesh Bala, Posta Police Station in connection with the abovementioned case before the Learned Court was not supported by any documents which shows that the case was either civil in nature or

Cont.... P/6

J. Agarwal
19/7/22

civil dispute is involved or neither the report was supported by any written complaint as annexure therewith as stated in the said report.

A court-fee for a sum of Rs.10 (Rupees Ten Only) is affixed on this application in accordance with the provision of the prevailing Right to Information Act, 2005.

Looking forward for your kind co-operation.
Thanking you in anticipation.

J. Agarwal
19/3/22

Sincerely yours,
Jitendra Agarwal
29/03/22
(Sri Jitendra Agarwal)
205, Rabindra Sarani,
1st Floor, Room No.62
Police Station-Posta,
Kolkata-700007



# Track Consignment

Quick help

* Indicates a required field.

* Consignment Number

EW237612854IN

| Booked At | Booked On | Destination Pincode | Tariff | Article Type | Delivery Location |
|---|---|---|---|---|---|
| KOLKATA GPO | 29/03/2022 17:14:41 | 700001 | 29.50 | Inland Speed Post | KOLKATA GPO |

**Event Details For : EW237612854IN**

**Current Status : Item Delivered [To: BT 37 3 (Addressee) ]**

| Date | Time | Office | Event |
|---|---|---|---|
| 31/03/2022 | 15:44:13 | KOLKATA GPO (Beat Number:56) | Item Delivered [To: BT 37 3 (Addressee) ] |
| 31/03/2022 | 11:22:52 | KOLKATA GPO | Out for Delivery |
| 30/03/2022 | 17:11:05 | KOLKATA GPO | Item Onhold DOOR LOCKED |
| 30/03/2022 | 13:05:51 | KOLKATA GPO | Out for Delivery |
| 30/03/2022 | 09:29:21 | KOLKATA GPO | Item Received |
| 29/03/2022 | 20:29:52 | KOLKATA GPO | Item Bagged |
| 29/03/2022 | 17:14:41 | KOLKATA GPO | Item Booked |

T. Agarwal
19/3/22.

Government of West Bengal
Office of the Commissioner of Police, Kolkata,
Report (RTI) Section,
18, Lalbazar Street, Kolkata-700 001.

Memo No._____/RPT+RTI+Enclo Dated_____
R- 02 / 22

From: The Jt. Commissioner of Police (O),
& SPIO, Kolkata Police.

To: The Assistant Commissioner of Police,
& SPIO, Central Division
Kolkata Police.

Sub: In transferring u/s 6(3) of the RTI Act, 2005.

**Ref: Commissioner's notification No: 01/RPT+RTI(R-4989-16) dated 30.11.2016, published in the KPG dated 02.12.2016,05.12.2016 &06.12.2016.**

Enclosed please find the RTI petition /petitions in original/copy of the following applicant/applicants on the subject cited above. The same is /are sent to your end on the point of jurisdiction, u/s 6(3) of the RTI Act, 2005.

You are requested to arrange for disposal of this case /these cases through SPIO of your jurisdiction as per proviso of the RTI Act, 2005, in regard to the queries relevant to your end.

| Sl. No | Name | ID No | Mode of fees paid | In case of IPO/DD/BC whether attached in original |
|---|---|---|---|---|
| 01. | Swaraj Bhattacharyya | 1226941 | Counter | x |
| 02. | Biswajit Ghosh | 1226988 | " | x |
| 03. | Sri Jitendra Agarwal | 122-7068 | " | x |
| 04. | Nazia Elahi Khan | 1227517 | " | x |
| | | | | |

Sd/-
for Jt. Commissioner of Police (O), Kolkata &
State Public Information Officer,
Kolkata Police.

Memo No. 4774 /RPT+RTI Dated 07/04/22
R- 02-122.

Copy to: (01) Swaraj Bhattacharyya of Kabi Satyen Dutta Road, 2nd floor, Sri Krishna Pally, P.O- Barasat, 24 Pgs (N), Kolkata-49
(02) Biswajit Ghosh of Subhashnagar, B-Block, P.O- Nabagram, Hooghly-712
(03) Sri Jitendra Agarwal of 203, Rabindra Sarani, 1st Floor, Room no 62, P.S- Posta
(04) Nazia Elahi Khan of 191, Chittaranjan Avenue, Kolkata-700007

for information and to make further correspondence with the addressee, if so desired. Moreover, he is requested to visit the Kolkata Police, Website (www.kolkatapolice.gov.in) for the details of the different divisional Appellate Authorities, State Public information Officers and State Public Information officers of Kolkata Police.

J. Agarwal
19/7/22

for Jt. Commissioner of Police (O), Kolkata &
State Public Information Officer,
Kolkata Police.

**ON INDIA GOVERNMENT SERVICE**

West Bengal Form No. 59

**ভারত সরকারের কার্য্যে**

Memo No. 4774/RPT+RTI Dated 06/04/2022

To

Sri Jitendra Agarwal
205, Rabindra Sarani,
1st Floor, Room No. 62,
P.S- Posta,
Kol - 7.

INVEST IN :-
NATIONAL DEFENCE
CERTIFICATES

J. Agarwal
19/7/22

Government of West Bengal
Office of
The Assistant Commissioner of Police
And State Public Information officer,
Central Division, Kolkata,
138, S.N.Banerjee Road, Kolkata-700013.

Memo No: 432/CD(RTI) Date: 25/4/22

**Ref: CD (RTI) NO: 68/22 Dated: 07.04.22.**

To,
Sri Jitendra Agarwal,
S/O-Lt. Gopal Prasad Agarwal,
205, Rabindra Sarani, 1st Floor,
Room No. 62, P.S-Posta, Kolkata-700007.

Please refer to your application dated 29.03.22 received on 07.04.22 addressed to The Public Information officer, The office of The Deputy Commissioner of Police, Central Division, Kolkata Police,138, S.N. Banerjee Road, Kolkata-700013 regarding supply of information under RTI Act, 2005.

The point wise reply in respect of the RTI petition is furnished herewith.

**Regarding Query No.(1)**:- No information about any Civil Suit at Posta Police Station.

**Regarding Query No.(2)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(3)**:- As mentioned in the report, submitted by SI-Amitesh Bala.

**Regarding Query No.(4)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(5)**:- It was not mentioned in the report of SI-Amitesh Bala that the petitioner made illegal construction.

**Regarding Query No.(6)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(7)**:- In the findings of enquiry, caused by SI-Amitesh Bala, it was not mentioned that illegal construction was made. Hence the question of registering FIR does not arise.

**Regarding Query No.(8)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(9)**:- E.O send the message during enquiry.

**Regarding Query No.(10)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(11)**:- As mentioned in KMC Act.

J. Agrawal
19/7/22

**Regarding Query No.(12)**:- The allegation of illegal construction was communicated to the Executive Engineer (C), Building Department Borough-IV & V, KMC on 28.06.21.

**Regarding Query No.(13)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(14)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(15)**:- These are privilege documents and its can not be shared with third party.

**Regarding Query No.(16)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(17)**:- Memo Number of the letter of Asst. Engineer(C), dt. 28.06.2022 is not mentioned here by the petitioner. As such the letter could not be specified.

**Regarding Query No.(18)**:- Being the petitioner of the complaint, it was presumed that he is well acquainted with the facts and circumstances of the case.

**Regarding Query No.(19)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(20)**:- The findings of the enquiry were submitted in FRT before Ld. Court as ordered.

For your kind information, you may visit the Kolkata Police Website WWW.kolkatapolice.gov.in for detail of the SPIO/SAPIO for submitting RTI petitions.

As per Section 19 of the Right to Information Act,2005 you may file an appeal to the First Appellate Authority within 30 days of the issue of the order, whose particulars are given below :-

22/04/22

Assistant Commissioner of Police
And State Public Information officer,
Central Division, Kolkata

Assistant Commissioner of Police
State Public Information Officer
Central Division, Kolkata

**First Appellate Authority.**
Deputy Commissioner of Police,
Central Division, Kolkata Police,
138, S.N. Banerjee Road,Kolkata-700013.

J. Agarwal
19/7/22

SPEED POST

RTI-URGE

ON INDIA GOVERNMENT SERVICE

ভারত সরকারের কার্য্যে

CONFIDENTIAL

West Bengal Form No. 59

Memo No. 482 / CD (RTI) + Enclo. dt. 25

CD (RTI) No. 62/22 Dt. 07/4/22

From :
Office of the
Deputy Commissioner of Police
Central Division
138, S. N. Banerjee Road, Kolkata-13

INVEST IN :-

To,
Sri Jitendra Agarwal,
S/O- Lt. Gopal Prasad Agarwal
205, Rabindra Sarani,
1st Floor, Room No. 62,
P.S- Posta, Kolkata - 700007

RECEIVED
Com... Certified
23/5/22
Office of the
Deputy Commissioner of Police
Central Division, Kolkata

Refund Appeal

1

Date- 22/5/22

**BY SPEED POST WITH A/D**

To
**FIRST APPELLATE AUTHORITY**
**The Deputy Commissioner of Police**
Central Division, Kolkata Police,
138, S. N. Banerjee Road, Kolkata – 700013.

Re; **An appeal is being preferred U/s. 19 of the Right to Information Act, 2005** in respect of refusal of my request by Assistant Commissioner of Police of Central Division by his letter dated 25.04.2022 under Memo No.432/CD (RTI) through giving false and baseless answer to me in respect of providing me with my required information in connection with my letter dated 29.03.2022 under Section 6(1) of the RTI Act, 2005 which was duly received by the relevant State Public Information officer of the Kolkata Police on 30.03.2022 under Speed Post Consignment No. No. EW237612854IN.

Sir,

With due respect, I the undersigned in connection with the captioned subject, do hereby intimate your good- self the following events for your kind perusal; -

1. That I, by my letter dated 29.03.2022 made an application under Section 6(1) of the RTI Act, 2005 to State Public Information Officer of Kolkata Police for having some required information with duly Court -fees of Rs. 10/- which was affixed with my said application in terms of the prevailing Right to information Act, 2005.

   A true Photostat copy of the said letter dated 29.03.2022 is enclosed along with the relevant Postal Receipt and jointly or collectively marked with **Annexure – A.**

2. That the said application dated 29.03.2022 was duly received by the Concerned State Public Information Officer on 30.03.2022 under Speed Post Consignment No. EW237612854IN.

Jitendra Agarwal
22/5/22

J. Agarwal
19/7/22

A true Photostat copy of the relevant Postal Track Report duly obtained from the official website of the postal Department to the Government of India, which is enclosed and the same is jointly or collectively marked with **Annexure – B.**

3. That on 26.02.2022, I received a letter dated 25.04.2022 under Speed Post Consignment No EW483665165IN from the Assistant Commissioner of Police, Central Division of Kolkata Police, who either intentionally and/or deliberately avoided from disclosing his name. By the said letter bearing Memo No.432/CD (RTI) under Ref. : CD (RTI) No. 62/22 dated 07.04.2022, the said Assistant Commissioner of Police, Central Division of Kolkata police refused to provide me with my required information by giving false as well as baseless information.

   A true photostat copy of the said Reply dated 07.04.2022 under RTI Act issued by the Assistant Commissioner of Police, Central Division of Kolkata police as well as the State Public Information Officer of Central Division under Kolkata Police alongwith with relevant postal envelop is enclosed and the same are jointly or collectively marked with **Annexure – C.**

4. That being aggrieved and dissatisfied with the decision by the letter dated 07.04.2022 passed by Assistant Commissioner of Police, Central Division of Kolkata police as well as the State Public Information Officer of Central Division under Kolkata Police, your Appellant/Petitioner prefers to file this First Appeal Petition before this FIRST APPELLATE AUTHORITY on the following amongst grounds;

## GROUNDS

I. **FOR THAT** the impugned decision/information dated 07.04.2022 passed by the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division under Kolkata Police is absolutely illegal, motivated, baseless and not sustainable in law;

II. **FOR THAT** the impugned decision/information dated 07.04.2022 passed by the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of

Vikendra Agarwal
22/3/22

V. Agarwal
19/3/22

Central Division under Kolkata Police is nothing but contradictory one;

III. FOR THAT the impugned decision dated 07.04.2022 passed by the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police is without applying judicial mind;

IV. **FOR THAT** the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Policeought to have considered that it is the legal obligation as well as the social and moral duty of the every Citizen and Public Servant and also the statutory duty of the Officer in Charge of a Police Station to give honour to our National Emblem in accordance with the provisions of the Rule 6 (2) against the State Emblem (Prohibition of Improper Use) Act, 2005 in terms of the embossment of National Emblem on the Government Stationery.

But unfortunately, the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police deliberately ignored the sentiment of the public at large and also violated the Order dated 05.02.2019 passed by the Joint Secretary to the Government of India namely S. K. Shahi addressing all the Chief Secretaries/Administrators of all state Government of India in respect of complete and clear display of the State Emblem of India on seals.

Thus, he showed his impudent garrulity by making embossment of the National Emblem on the right side of the said Reply bearing Memo No. Memo No.432/CD (RTI) under Ref. : CD (RTI) No. 62/22 dated 07.04.2022, where the ASOKA CHAKRA and SATYAMEVA JAYATE are transparently illegible.

Hence, it is divulged that the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police has tried not only to save the concerned offender/s from the clutches of legal punishment through the replies against the said query Nos. 2, 4, 6, 8, 10, 13, 16 but also, he being the Public Servant himself committed the said illegal act with haughty attitude. The said

Jitendra Agarwal
22/5/22

J Agarwal
19/7/22

Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police as well as being the Public Servant concealed the design to commit such offences by the Officer in Charge of Posta Police Station namely Prithwiraj Bhattacharya, which it was his duty to prevent, when such Offences was committed. Moreover, abetment of such Offences was transpired when the abettor or the person abetted be the Public Servants whose duty was to prevent such Offences.

Here, it is crystal clear that concerned offending Police Officers are habituated to save another Offending Police Officers with intent to save them from statutory punishment.

V. **FOR THAT** the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police should have considered of reply regarding Query no.1, wherein the said S.I. Amitesh Bala of Posta Police Station submitted a false report before the Court of Law wherein he submitted that a long civil dispute between Sarita Agarwal and Nita Agarwal but he has failed to provide any civil suit being pending before any Court of law;

VI. **FOR THAT**the said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police should have consider regarding the gross dereliction of duty of the Officer in Charge of Police Station in respect of reply of my query Nos. 2, 4, 6, 8, 10, 13, 16 against said application dated 29.03.2022 under sub-section (1) of Section 6 of the Right to Information Act, 2005, which was ignored wilfully by the said Assistant Commissioner of Kolkata Police, Central Division in connection with the relevant Notice issued from the Officer in Charge of Posta Police Station without date and signature of the issuing authority, where I was directed to come to Posta Police Station and to meet with Sub- Inspector Amitesh Bala. The said Assistant Commissioner of Police, Central Division as well as the State Public Information Officer of Central Division of Kolkata Police should have to consider the audacity of his subordinate/s who made direction upon me in black and white information officer of Central Division under Kolkata Police should give reply categorically against queries. In order to make bye-pass against my Queries he only replied with

Jitendra Agarwal
22/5/22

J. Agarwal
19/7/22

reference to the available records of Posta Police Station. When an information is sought for in respect of order/s passed by the relevant Commissioner of Police or the Deputy Commissioner of Police that does never concentrate a particular Police Station like Posta Police Station.

The Constitution of India never delegate any power to any Public Servant for considering a victim like me as his paternal servant for which the concerned public servant may be authorized to treat me with trivial words. Thus, it is divulged that the said Assistant Commissioner of Kolkata Police, Central Division as the State Public Information Officer of Central Division under Kolkata Police with dishonest intention tried to make me flabbergasted recklessly with intent to save the relevant offender/s from clutches of legal punishment;

VII. **FOR THAT** the said Assistant Commissioner of Police, Central Division as the State Public Information Officer of Central Division under Kolkata Police should have to send the relevant reply within thirty (30) days from the date of receiving my said application dated 29.03.2022; but he deliberately violated the time stipulation by giving trickery oriented reply instead of the actual information in order to make me wooden horse. Thus, it is crystal clear that the said Assistant Commissioner of Kolkata Police, Central Division with evil motive tried to make me bewildered in order to save the relevant offender/s from the legal punishment and also tried to cause disappearance of the evidence of the offender committed;

VIII. **FOR THAT** the said Assistant Commissioner of Police, Central Division being the State Public Information Officer of Central Division under Kolkata Police should have to consider as to under which authority the concerned Prithwiraj Bhattacharya insulted the National Emblem and under which Authority he insulted me and under which authority he issued such Notice without dateand the signature of the issuing authority;

IX. **FOR THAT** the said Assistant Commissioner of Police, Central Division being the State Public Information Officer of Central Division under Kolkata Police should have to consider that I by the **Query No. 2, 8, 6, 8, 10, 13, 14, 16, 19**of my application dated 29.03.2022 wanted to know the relevant information from the State Public Information Officer of the entire Kolkata Police

Jitendra Agarwal
22/5/22

J Agarwal
19/7/22

Commissionerate not about only the record of the Posta Police Station. He pretended to be an unenlightened fellow by stating "presently no data available with Posta P.S." perhaps either he is totally in oblivion of the law of the land or very much ignorant about the simple meaning of English Language or intentionally disobeyed the law in order to save the relevant offender/s from the clutches of lawful punishment;

X. **FOR THAT** the said Assistant Commissioner of Police, Central Division being the State Public Information Officer of Central Division under Kolkata Police, has been influenced in order to prepare the said perfunctory reply against my application dated 29.03.2022 under section 6(1) of the Right to Information Act, 2005;

XI. **FOR THAT** the said Assistant Commissioner of Police, Central Division being the State Public Information Officer of Central Division under Kolkata Police has not provided me details information under the provisions of Right to Information Act, 2005, which is itself violation of law;

5. That the instant APPEAL PETITION is made bonafide and for the interest of Natural Justice.

6. Being Aggrieved by and dissatisfied with the decision of the said State Public Information Officer, this very appeal is being preferred for Natural Justice.

Under the above-mentioned fact and circumstances, Your Appellant/ Petitioner most fervidly requests kindly to admit this APPEAL PETITION and provide me with my required information immediately and to punish the said Assistant Commissioner of Police, Central Division who being the State Public Information Officer of Central Division under Kolkata Police committed such gross dereliction of duty and oblige.

Kindly take note that it is my statutory right to have my required information and the relevant Public Authority has got no authority to infringe my such right with malafide intention.

Please go through the enclosed documents and arrange to provide my required information.

Vitendra Agarwal
22/5/22

J. Agarwal
19/7/22

Soliciting your kind cooperation.

With regards and thanks,

Yours truly,

Jitendra Agarwal

(Sri Jitendra Agarwal)
205, Rabindra Sarani, 1st Floor, Room No. 62, P.S. – Posta,
Kolkata – 700007.
Date; 14.05.2022.

Enclosure; As above

J. Agarwal
19/7/22

Annexure-A

BY SPEED POST WITH A/D

Date: 29/03/2022

To,

The State Public Information Officer,

KOLKATA POLICE,

18, Lalbazar Street,

Kolkata-700001.

Sub: An application under section 6(1) of the Right to Information Act, 2005 in respect of the report dated 29.10.2001 filed by the Sub-Inspector of Posta Police Station, Sri Amitesh Bala before the Learned Court of the Additional Chief Judicial Magistrate-I, Calcutta in connection with Misc. Case being No. 102/2021.

Dear Sir,

With due respect and obsequious submission, I, the undersigned in connection with the captioned subject, do hereby want to bring the following events for your kind attention:

That my employee on 19.10.2021 received a legal size paper from a police personnel of Posta Police Station in connection with the Complaint Case, being No C-102/2021 wherefrom it is evident that the relevant Public servant, i.e. Sri Prithwiraj Bhattacharya being the Officer-in-Charge of the Police Station has shown his impudent garrulity transparently by making embossment of our National Emblem illegally on that very Office Stationary in order to insult or humiliate our entire nation, which is a clear infringement of Rule 6(2) in terms of the State Emblem (Prohibition of Improper Use) Act, 2005.

Moreover, in the said letter issued by the said Public Servant without any date and signature of the issuing authority.

It is very surprising to state here that he gave me direction to come to such Police Station which is evident from such letter.

EM237612854IN IMR:6987237612854
SP KOLKATA GPO (700001)
Counter No:11,29/03/2022,17:18
To:STATE PIO,KOLKATA POLICE
PIN:700001, KOLKATA GPO
From:J AGARWAL,R SARANI
Wt:40gms
Amt:29.50(Cash)Tax:4.50
(Track on www.indiapost.gov.in)

भारतीय डाक
India Post

Jitendra Agarwal
29/3/22

J. Agarwal
19/7/22

cont.... P/2

In the fourth and fifth line of the said letter, the relevant person stated that he believed that I was well acquainted with the facts and circumstances of the said case, whereas I am practically complainant in respect of the said case.

That the police report was filed by said Amitesh Bala, S.I., Posta Police Station in connection with the abovementioned Misc. Case being No. 102/2021. That on and from the third line of the said report the said Amitesh Bala wrote transparently ".....enquiry into the attached petition was made by the undersigned and it could be ascertained that the instant petitioner's wife, namely Sarita Agarwal was the joint tenant alongwith one Nita Agarwal, aged about 51 years, wife of Prakash Agarwal of 146, M.G.Road, Kolkata-700007, in respect of one office at 1st Floor of 205, Rabindra Sarani, Kolkata-700007, who have their civil dispute amongst them since long. A few months earlier, while the petitioner was doing some civil works at his office, the said Nita Agarwal and the other tenants of the said premises namely, Uday Shankar Tiwary, aged about 62 years, son of Late Mataprasad Tiwary & Ghanshyam Sonkar, aged about 32 years, son of Shiv Kumar Sonkar protested against his wrong doings since they presume that some sort of illegal construction is going on at the said office room of the petitioner. Subsequently, they approached to one Mahesh Kumar Sharma, aged about 50 years, son of Late Sagarmal Sharma of 115, Cotton Street, Kolkata-700007, who holds the post of the President of Burrabazar District Congress Committee to raise voice on behalf of them. The said Mahesh Kumar Sharma against whom the allegation of extortion was made in the instant petition submitted several complaints in the Posta Police Station as well as in Br-IV, KMC, for supporting the ongoing construction work at petitioners office. Though KMC Authority neither issued Stop Work Notice nor lodged any FIR for unauthorized construction, the said act of Mahesh Kumar Sharma made the petitioner extremely unhappy and thereby a serious dispute arose by and between them ....."

NOW IN ACCORDANCE WITH THE PROVISION OF THE PREVAILING RIGHT TO INFORMATION ACT, 2005 KINDLY PROVIDE ME WITH THE INFORMATION IMMEDIATELY AS FOLLOWS:

1. Kindly provide me the copy of the evidences wherefrom it is transpired that a civil dispute was going on between Smt. Sarita Agarwal and Smt. Nita Agarwal since long. Is there any civil suit,

Jitendra Agarwal
29/3/22

J. Agarwal
19/7/22

Cont.... P/3

pending before the concerned Learned Civil Court in this regard? Please narrate.

2. Kindly provide me with reference number and date of the order passed by the Home Secretary to the Government of West Bengal in respect of which the Officer-in-Charge of the Posta Police Station showed his haughty attitude to violate deliberately the aforesaid Rule 6(2) in terms of the State Emblem (Prohibition of Improper Use) Act, 2005.

3. Please give me categorically the causes of the said civil dispute.

4. Please give me the Memo number and date of the order passed by the Commissioner Of Kolkata Police against which Officer-in-Charge of the Posta Police Station insulted our entire nation through making willful commission of severe violation of the aforesaid Rule 6(2) read with the State Emblem (Prohibition of Improper Use) Act, 2005.

5. Kindly narrate me as to how it was ascertained by the said Amitesh Bala that I committed illegal construction into my said office at 205, Rabindra Sarani, 1st Floor, Room No.62, Police Station-Posta, Kolkata-700007

6. Kindly give the reference number and date of the order passed by the concerned Dy. Commissioner of Kolkata Police in terms of which the Officer-in-Charge of the Posta Police Station has shown his impudent garrulity by making intentional violation the aforesaid of Rule 6(2) in respect of the State Emblem (Prohibition of Improper Use) Act, 2005.

7. Please let me know as to why no FIR was registered under section 154(1) of the code of Criminal Procedure by the concerned Officer-in-Charge of the Posta Police Station in respect of the findings made by the said Amitesh Bala against such illegal construction which is a cognizable as well as non-bailable offence in terms of the Kolkata Corporation Act. What was the recorded vested interest involved with this matter?

8. Please provide me with the Memo number and date of the order passed by the Commissioner of Kolkata Police against which the

Cont... P/4

Jitendra Agarwal
29/3/22

J Agarwal
19/7/22

Officer-in-Charge of the Posta Police Station got authority to issue such type of letter without any signature and date.

9. Kindly narrate me categorically the causes for which the said Amitesh Bala as well as said Prithwiraj Bhattacharya did not register any FIR against me inspite of being well informed regarding the commission of cognizable offence through such illegal construction.

10. Please give the reference number and date of the order passed by the concerned Dy. Commissioner of Kolkata Police against which the Officer-in-Charge of the Posta Police Station was authorized to issue the said letter without any signature and date.

11. Please let me know transparently under which statutory provision, Officer-in-Charge of the Posta Police Station is not entitled to register FIR against cognizable offence through commission of illegal construction where the concerned authority of the KMC does not submit any written complaint.

12. Kindly intimate me as to why the relevant Authority of the Posta Police Station did not take initiative for stopping the ongoing construction at my said office inspite of receiving several complaints lodged by the said Mahesh Kumar Sharma.

13. Please provide me with the Memo number and date of the order passed by the Commissioner of Kolkata Police in respect of which the relevant Public Servant i.e. the Officer-in-Charge of the Posta Police Station got authority to make direction upon the public like as Hon'ble Court. Kindly state the name and address of the person who empower him to direct me like his paternal servant.

14. Kindly give me the Reference number and date of the order passed by the concerned Deputy Commissioner of Kolkata Police against which the relevant Public servant i.e. the Officer-in-Charge of the Posta Police Station was authorized to insult or humiliate a civil person by making such direction upon me like the Learned Court by treating me his paternal servant.

15. Please provide me with the certified copy of the complaints lodged by the said Mahesh Kumar Sharma against me for stopping the ongoing construction at my said office alongwith the transparent certified copy

cont.... P/5

Jitendra Agarwal
29/7/22

J. Agarwal
19/7/22

of the relevant General Diary Entries in respect of the said complaints lodged by the said Mukesh Kumar Sharma.

16. Kindly provide me with the Memo number and date of order passed by the Home Secretary to the Government of West Bengal against which relevant Public Servant i.e. the Officer-in-Charge of the Posta Police Station was empowered to make direction upon me as his paternal servant.

17. Whether the relevant Officer-in-Charge of the Posta Police Station and the said Amitesh Bala were well aware of the letter dated 28.06.2021 issued by the Asst. Engineer (Civil)/Bldg./Br-IV&V. if so let me know about the actions taken by them in this regard against such letter. If so, kindly let me know about the ingredient for which such repairing work has been termed as illegal construction by the said Amitesh Bala transparently before the said Learned Court.

18. Kindly narrate me the recorded reasons for which knowing fully well about my lodged complaint, the said Officer-in-Charge mentioned that I was well acquainted with the facts and circumstances of the said case.

19. Please let me know regarding the statutory provision in terms of which the said Mahesh Kumar Sharma was authorized and empowered to raise voice and to impose criminal force against such illegal construction for and on behalf of the said Nita Agarwal and the other tenants of the said premises, namely, Uday Shankar Tiwary, aged about 62 years, son of Late Mataprasad Tiwary & Ghanshyam, aged about 32 years, son of Shiv Kumar Sonkar as stated above ignoring the activities and the legal obligations of the concerned public servants in this regard. What was the recorded vested interest involved in this regard? Also let me know under which statutory provision the concerned Police Personnel recognize the said Mahesh Kumar Sharma as the protector of law in this regard?

20. It is pertinent to mention here that the report which was filed by S.I., Amitesh Bala, Posta Police Station in connection with the abovementioned case before the Learned Court was not supported by any documents which shows that the case was either civil in nature or

Cont.... P/4

Jitendra Agarwal
29/3/22

J. Agarwal
19/7/22

civil dispute is involved or neither the report was supported by any written complaint as annexure therewith as stated in the said report.

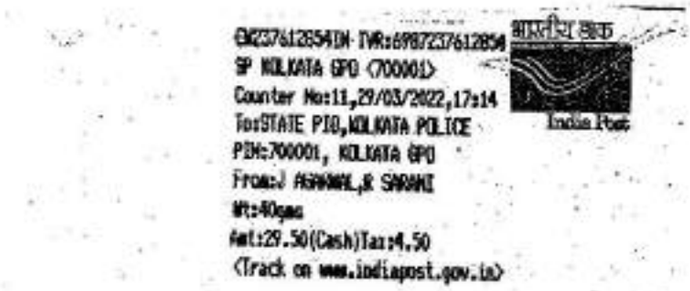
A court-fee for a sum of Rs.10 (Rupees Ten Only) is affixed on this application in accordance with the provision of the prevailing Right to Information Act, 2005.

Looking forward for your kind co-operation.
Thanking you in anticipation.

J Agarwal 19/3/22

Sincerely yours,
Jitendra Agarwal 29/03/22
(Sri Jitendra Agarwal)
205, Rabindra Sarani,
1st Floor, Room No.62
Police Station-Posta,
Kolkata-700007

Annexure-13


EK237612854IN TWR:698723761285A
SP KOLKATA GPO (700001)
Counter No:11,29/03/2022,17:14
To:STATE PIO,KOLKATA POLICE
PIN:700001, KOLKATA GPO
From:J AGRAWAL,8 SARANI
Wt:40gms
Amt:29.50(Cash)Tax:4.50
(Track on www.indiapost.gov.in)
भारतीय डाक
India Post

J. Agarwal
19/7/22

## rack Consignment

Quick help

ndicates a required field.

* Consignment Number

EW237612854IN

Track More

| Booked At | Booked On | Destination Pincode | Tariff | Article Type | Delivery Location |
|---|---|---|---|---|---|
| KOLKATA GPO | 29/03/2022 17:14:41 | 700001 | 29.50 | Inland Speed Post | KOLKATA GPO |

**vent Details For : EW237612854IN**

**urrent Status : Item Delivered [To: BT 37 3 (Addressee) ]**

| Date | Time | Office | Event |
|---|---|---|---|
| 31/03/2022 | 15:44:13 | KOLKATA GPO (Beat Number:56) | Item Delivered [To: BT 37 3 (Addressee) ] |
| 31/03/2022 | 11:22:52 | KOLKATA GPO | Out for Delivery |
| 30/03/2022 | 17:11:05 | KOLKATA GPO | Item Onhold DOOR LOCKED |
| 30/03/2022 | 13:05:51 | KOLKATA GPO | Out for Delivery |
| 30/03/2022 | 09:29:21 | KOLKATA GPO | Item Received |
| 29/03/2022 | 20:29:52 | KOLKATA GPO | Item Bagged |
| 29/03/2022 | 17:14:41 | KOLKATA GPO | Item Booked |



J. Agrawal 19/7/22

Annexure - C

Government of West Bengal
Office of
The Assistant Commissioner of Police
And State Public Information officer,
Central Division, Kolkata,
138, S.N.Banerjee Road, Kolkata-700013.

Memo No: 432/CD(RTI) Date: 25/4/22

**Ref: CD (RTI) NO: 69/22 Dated: 07.04.22.**

To,
Sri Jitendra Agarwal,
S/O-Lt. Gopal Prasad Agarwal,
205, Rabindra Sarani, 1st Floor,
Room No. 62, P.S-Posta, Kolkata-700007.

Please refer to your application dated 29.03.22 received on 07.04.22 addressed to The Public Information officer, The office of The Deputy Commissioner of Police, Central Division, Kolkata Police,138, S.N. Banerjee Road, Kolkata-700013 regarding supply of information under RTI Act, 2005.

The point wise reply in respect of the RTI petition is furnished herewith.

**Regarding Query No.(1)**:- No information about any Civil Suit at Posta Police Station.

**Regarding Query No.(2)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(3)**:- As mentioned in the report, submitted by SI-Amitesh Bala.

**Regarding Query No.(4)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(5)**:- It was not mentioned in the report of SI-Amitesh Bala that the petitioner made illegal construction.

**Regarding Query No.(6)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(7)**:- In the findings of enquiry, caused by SI-Amitesh Bala, it was not mentioned that illegal construction was made. Hence the question of registering FIR does not arise.

**Regarding Query No.(8)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(9)**:- E.O send the message during enquiry.

**Regarding Query No.(10)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(11)**:- As mentioned in KMC Act.

J. Agarwal
19/7/22

**Regarding Query No.(12)**:- The allegation of illegal construction was communicated to the Executive Engineer (C), Building Department Borough-IV & V, KMC on 28.06.21.

**Regarding Query No.(13)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(14)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(15)**:-.These are privilege documents and its can not be shared with third party.

**Regarding Query No.(16)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(17)**:- Memo Number of the letter of Asst. Engineer(C), dt. 28.06.2022 is not mentioned here by the petitioner. As such the letter could not be specified.

**Regarding Query No.(18)**:- Being the petitioner of the complaint, it was presumed that he is well acquainted with the facts and circumstances of the case.

**Regarding Query No.(19)**:- Presently no data is available at Posta Police Station.

**Regarding Query No.(20)**:- The findings of the enquiry were submitted in FRT before Ld. Court as ordered.

For your kind information, you may visit the Kolkata Police Website WWW.kolkatapolice.gov.in for detail of the SPIO/SAPIO for submitting RTI petitions.

As per Section 19 of the Right to Information Act,2005 you may file an appeal to the First Appellate Authority within 30 days of the issue of the order, whose particulars are given below :-

22/04/22

Assistant Commissioner of Police
And State Public Information officer,
Central Division, Kolkata

Assistant Commissioner of Police
State Public Information Officer
Central Division, Kolkata

**First Appellate Authority.**
Deputy Commissioner of Police,
Central Division, Kolkata Police,
138, S.N. Banerjee Road,Kolkata-700013.

J. Agarwal 19/7/22

SPEED POST

CONFIDENTIAL

ON INDIA GOVERNMENT SERVICE

RTI-URGENT

West Bengal Form No. 59

সরকারের কার্যে

CD (RTI) N

Memo No. 432 /CD (RTI) + Enclo. dt. 25/1/22

From
Office of the
Deputy Comm
Central Division
38, S. N. Banerjee Road, Kol
INVESTIGATION
NATIONAL DEFENCE
CERTIFICATES

To,
Shri Hemant Agarwal,
S/O Late Gopal Prasad Agarwal,
285, Rabindra Sarani,
1st floor, Room No. 62,
P.S. Jorabagan, Kolkata-700007

T Agarwal
19/7/22

Government of West Bengal
Office of the Deputy Commissioner of Police
And First Appellate Authority,
Central Division, Kolkata,
138, S.N.Banerjee Road, Kolkata-700013.

Memo No: 1A0/CD/(RTI)

Date: 27/06/22

**Ref: CD (RTI) NO: 62/22 Dated: 07.04.22.**
**Ref: Appeal Petition No. 12/22 Dated: 23.05.22.**

To,
Sri Jitendra Agarwal,
S/O-Lt. Gopal Prasad Agarwal,
205, Rabindra Sarani, 1st Floor,
Room No. 62, P.S-Posta, Kolkata-700007.

Please refer to your Appeal Petition received on 23.05.22 addressed to The First Appellate Authority, office of The Deputy commissioner of Police, Central Division, Kolkata Police,138, S.N. Banerjee Road, Kolkata-700013 regarding supply of information under RTI Act, 2005.

With reference to first appeal petition, it is to state that, SPIO, CD has received your RTI petition on 07.04.22 and has already sent a reply vide. this office Memo No. 432/CD(RTI) Dated. 25.04.22.

Being dissatisfied with the reply in respect of his queries, the applicant preferred a 1st appeal before the 1st Appellate Authority on 16.08.2021 which is beyond the statutory period of 30 days under 19(1) RTI Act , 2005.

Therefore, the information seeked in Appeal Petition can not be disclosed as the same is exempted u/s 8(1) (j) of RTI Act, 2005.

Hence, your first appeal petition is disposed off.

J. Agarwal
19/7/22

27.6.22
Deputy Commissioner of Police
And First Appellate Authority,
Deputy Commissioner of Police
And First Appellate Authority
Central Divison, Kolkata

7/4/2022 19:17:12

SPEED POST

CONFIDENTIAL

West Bengal Form No. 59

**ON INDIA GOVERNMENT SERVICE**

**ভারত সরকারের কার্য্যে**

RTI URGENT

EW199869512IN

CD (RTI) No. 62/22 Dt. 04/04/22

CD (APPEAL PETITION) No. 15/22 Dt. 23/05/22

Memo No. 740 / CD (RTI) + Enclo. dt. 27/06/22

From :
Office of the
Deputy Commissioner of Police
Central Division
138, S. N. Banerjee Road, Kolkata-13

INVEST IN :-
NATIONAL DEFENCE
CERTIFICATES

To,
Sri Jitendra Agarwal,
S/O - Lt. Gopal Prasad Agarwal,
205, Rabindra Sarani,
1st floor, Room No. 62,
P.S - Posta, Kolkata - 700007

(12)

# Hearing on 04-12-2025

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

Thu, 13 Nov 2025 3:23:23 PM +0530

Cc "jitendraagarwal01"<jitendraagarwal01@yahoo.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

## 1 Attachment(s)

WBIC-RTI-A-101575-729-2025…
16 KB