

**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION
AT : CUTTACK, ODISHA**

COMPLAINT NO. OF 2025

IN THE MATTER OF ;

01.A.K.SHARMA

02.Abinash Giri

(Advocate Orissa High Court)

O/o. The Advocates Chamber

C-1176, Sector-6, Markat Nagar,

Cuttack-753014, Odisha

☎ : 9348105872, ✉ : advocatetkdwibedi@yahoo.com

Complainant(s)

VS

01. PIO-CUM-DSP-SP-Cuttack

02. Section Office

03. The Transparacny Officer

O/o, The SP Cuttack-Rural

Chandani Chowk

Cuttack – 753002, Odisha

☎ : 94389-16200 ✉ : spctc.orpol@nic.in

04. District Magistrate

O/o, Collector Cuttack

Chandani Chowk, Cuttack – 753002, Odisha

☎ : 0671-2508100 ✉ : dm-cuttack@nic.com

05.The Secretary

Odisha Information Commission

Toshali Bhawan , Satya Nagar

Bhubaneswar - 751007

Ph . : 0674- 2571401 ✉ : odishasoochana@nic.in

Opposition Parties

LIST OF THE LITIGATING PARTIES

**BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION
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IN THE MATTER OF ;

A.K.SHARMA & Associates
(Advocates Orissa high Court)
O/o. The Advocates Chamber
C-1176, Sector-6, Markat Nagar,Cuttack-753014, Odisha
☎ : 9827510885
✉ : advocateschamber@yahoo.com

Complainant

VS

PIO-CUM-DSP-SP-Cuttack & Ors.
O/o, The SP Cuttack-Rural
Chandani Chowk
Cuttack – 753002, Odisha
☎ : 94389-16200 ✉ : spctc.orphol@nic.in

Opp. Parties

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Opp. Parties

COMPLAINT U/S 35 OF THE CONSUMER PROTECTION ACT, 2019

RESPECTIFULLY SHOWETH :

01.INTRODUCTION :-

The Complainants are the practicing advocates of Hon'ble Orissa High court and the associated with the Advocates Chamber in Cuttack and the opposition party(s) are the officers of public servants of Government of Odisha who failed miserably to comply with the provision of the law, rule framed by the competent authority and the guidelines thus violated the consumer right to information and others.

02.TRANSACTION

01.That, The complainants towards the legal obligation and professional duty towards their client, administration of justice and fundamental rights to practice filed an RTI application by paying Rs.10/-(Rs. Ten Only) as the Application fee in advance and promised to pay the cost of the information provided to him. The RTI application was transferred to him u/s 6(3) of the RTI act-2023 but the PIO took 93 days to dispose the RTI application and at last refused to provide the information without showing the reason and grounds.

02. That, the PIO and the Opp. Party No.2,3 & 4 did nothing to comply with the rule of law crafted in the RTI act 2005, the directions of the competent, authority(s) and the guidelines of the apex court as all are engaged in the illegal activities and operation of the Paisa Vahooli Racket beating innocent domiciles and ladies causing the incident of the Bhagalpur police station making the Commissionerate police and its offices unreachable and unapproachable for the domiciles of the state. The complainant has reason to believe that the office of the PIO failed miserably to achieve the object of the statute for the wrongful gain.

03. That, One RTI application was filed to get information about the corruption prevailing in the offices of the PIOs as the officers appointed in the office are engaged in the violating of the rule of law, directions of the competent authority and the guidelines of the supreme court given in the plethora of judgement as to the registration of FIR u/s 154(1) & 154(3) CrPc.,1973 and the 173(1) and 173(4) of BNSS-2023 but instead of transfusing the RTI application to all the police station under the SP-Rural the PIO of the SP office acted as the agent of all the police stations and disposed the RTI application illegally and arbitrarily thus the legal work of the Advocates Chamber has been stopped totally and the deceitful means has caused injury to the complainants and their chamber.

04. That, The PIO was found always absent from the duty and engaged a peon type staff to redress the RTI application as the contact details of the PIO, Transparency officer, 1st Appellate authorities are not provided to the applicant as per the provision of the section 7(8) of the RTI act 2005. One section officer has been sublet the job of the PIO of the office of the PIC who is impersonating as the PIO and disposing all the RTI application. The PIO concealed his name and the contact details the PIO also concealed the contact details of the FAA thus both the public servants are thus found to be not reachable and approachable.

05. That, the PIO misrepresented the practicing lawyers about the rule of law, directions of the competent authority and the guidelines of the apex court in his reply and the deceitful means caused injury to many. The office of the PIO does not have any website thus there is not compliance of the provision of section 4(1)(b) and 4(2)m of RTO act - 2005 at all.

06. That, the complainant has reason to believe that no PIO, Transparency officer, FAA ever appointed in the office of the PIO to handle the RTI machinery installed in the office and they have not done any compliance of the other provision of the RTI act, 2005. They do not have any official website as mandated in the section 4(1)(b) of the RTI act, 2005.

07. That, The PIO has appointed any other junior officers to dispose of the RTI application. They failed to provide the information intentionally and acted in a deep-rooted criminal conspiracy. The PIO took more than days prescribed to respond, which prima facie proves that he is engaged in some other illegal activities such as collecting illegal money from all the possible sources, and have appointed a peon type person to redress the RTI application. Both the PIOs acted like a post masters to dispose the RTI application and the Transparency officer was sleeping like KUMBHAKARNA. The officers appointed to handle the RTI Machinery are not reachable and approachable for the people of the state.

08. That, The PIO and the other officers appointed to handle the RTI machinery installed in the office of the PIO have not complied with the direction of the supreme court given in the case of **Kishan Chand Jain Vs UOI, WP (Civil) No. 360 of 2021** which mandates for the publishing of the separate email IDs for the PIO, Transparency officer and the 1st appellate authority and the same has been done under a deep-rooted criminal conspiracy, intentional, dishonestly, fraudulently and for the wrongful gain and the deceitful means has caused injury to the complainants.

09. That, the acts and omissions of are serious misconducts, abuse of power, illegal acts, and corruption prevailing in the PS. the act is also violated the provisions 5Ts' initiative of the state govt. and the violation of the provision of the RTI act, 2005, the PIO also violated the provisions of the Odisha Right to public service act, 2012. The PIO has committed the offence under section 420, 419, 384, 166, 166A, 167, 465, 468, 471, 217, 218, 219, 506, 120B r/w 34 of IPC, 1860. The transparency officer is also involved in the misconducts, abuse of power and violation of the rule of law and the guidelines in collusion with the PIO.

10, That, the complainant has reason to believe that the PIO has not submitted any report to the State Information commission u/s 25 of the RTI act, 2005, the PIO is totally incompetent, impotent and powerless thus failed miserably to achieve the object of the stature which mandates for the transparency and accountability and the same has been done under a deep-rooted criminal conspiracy, intentionally, on the instigation of the senior police officer, dishonestly, fraudulently and for the wrongful gain and to some other from being booked and prosecuted. The Opp. party No. 5 failed to comply with the provision of law etc.

11, That, the Head of the SP office Mr. Prateek singh is not inspecting the police stations as per the Odisha PMR No. 37(a) and converting the police stations into the torture and extortion centre and running a parallel office of the Paisa Vashooli Racket wherever he goes. He was removed from the Bhubaneswar-UPD and is an named accused of murder case registered in the Simulia Police Station and caused the unfortunate incident on Dt. 15-06-2024 in the Bharatpur PS but still holding the SP post in the police department.

12. That, since RTI application and the information provided towards the same is considered as the service provided by the public offices under the Odisha Right to Public Services act, 2012 and the time limit is imposed as 30 days and not provide of the same after taking fee in advance and a promise to pay for the information provided is nothing but the unfair trade practices and default in service.

(03) RECTIFICATION :-

That, every attempt is made by the complainant to lodge complaints with the opposition party(s), local authorities, complaint with the grievance redressal officer, filling of the complaint through her lawyer using Legal Notice, Text Messages, Email etc. but nothing is done to provide remedies and listen to the complainant as all united and acted against the complainant on Quad Pro Quo basis. The opposition party(s) does not have any grievance redressal mechanism installed to redress the complaints of the customers which is against the public policy and rule of law. The officers appointed for the same are not doing anything but disposing the complaint petition illegally and arbitrarily. The complainant has reason to believe that the opposition party(s) is running their business on the principles of profitability and return on investment and for the same they are cheating 100 of 1000 of innocent citizen of this country considering themselves above the law. The opposition must redress any complaint lodge before him and only take for what they has provided and must refund the money taken for the products and services which were not provided to the customers.

(4) OTHER PROVISION :-

That, the Right to information is crafted in section 2(9)(ii) of the Consumer protection act, 2019 along with the redressal of the grievances but nothing has been done to comply with the provision of the status and since RTI application and the information provided towards the same is considered as the service provided by the public offices under the Odisha Right to Public Services act, 2012 and the time limit is imposed as 30 days and not provide of the same after taking fee in advance and a promise to pay for the information provided is nothing but the unfair trade practices and default in service and the DCDRC is right, power and jurisdiction to admit, hear and adjudicate the same as per the provision of section 100 of the statute.

(5) DOCUMENTS :-

That, the complainant is submitting along with this complaint petition the copies of the complaint filed with the opposition party(s) company, its nodal officers, grievances redressal department and a copy of the evidence of the payment made, their advertisement, call recordings, Emails complaints, Whatsapp messages, other correspondents etc.

(5) JURISDICTION & FEE :-

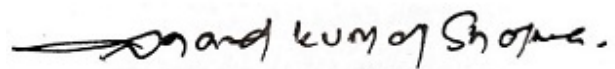
That, the complainant has paid Rs.10/- for RTI application Fee, and a promise to pay the cost of the information supplied. The claim for the damages for the injury which including , legal fee, legal expenses, medical cost, student harassment, other expenses along with the Interest during the period which come to a total below Rs.5.00 Lakh (Rs. Five Lakh Only) in total. So the District Consumer Disputes Redressal Commission, Cuttack, Odisha has the jurisdiction to accept and try this complaint against the opposition party(s) . Since the consider amount in dispute is below Rs. 5.00 lakh (Rs. Five Lakh Only) thus no fee is required to pay along with this consumer complaint as per the rule of law.

(6) LIMITATION :-

That, the present complaint is being filed within the period prescribed under the section 69 of the consumer protection act, 2019 as the cause of action only arrived in January – 2025

07. RELIEF CLAIMED

That, the complainant(s) praying for the refund of the consideration amount of the properties, from the Opp. A compensation for loss of legal work of the advocate chamber which is Rs. 5.00 lakh (Rs. Five Lakh Only) along with a legal and other expenses of Rs.30,000/- (Rs. Thirty thousand Only) along with the compensation of Rs.20.00 lakh (Rs. Twenty Lakh Only) towards the injury caused to by harassment and mental agony by the Opp. Party(s) to the lawyers of the advocate chamber. The Complainant has reason to believe that the Opp. Parties and doing the same to other innocent customers and gain in crore wrongfully so they must deposited Rs 1.00 crore (Rs. One Crore Only) in the consumer welfare fund of the state of Odisha. Impose BAN in the other erring officers who failed miserably to perform their duty and harassed the complainant and his family.



Place : Cuttack

Dated : 01-02-2025

Complainants in person

Advocate A.K.Sharma
C/o. Advocates Chamber
C-1176,Sector-6, Markat Nagar
Cuttack– 753014, Odisha
Mob.:9348105872

Email:advocateschamber@yahoo.com

Grounds for the Complaint

- a) That is because to provide the information is the rule and not provide the same is exception but the PIOs refused to provide the same and mislead the applicant is nothing but the violation of the consumer right to information as crafted in section 2(9)(ii) of the CPA-2019, the unfair trade practices and default in service.
- b) That is because the information cannot be reused if it is about the violation of the human and fundamental right & corruption as crafted in section 24 of the status.
- c) That, is because the disclosure of the information will expose their wrong doings where every officers are engaged in misconducts, abuse of power, illegal collection of money and customers harassment thus making the commission unapproachable.
- d) That is because, the office of the PIO is in the wrong people who are running the same for mere formalities and for their own wrongful gain and the deceitful means of these corrupt officer caused repeal of the old statute as the center government has to introduced the new law of 2019.
- e) That is because, these information are vital for the survival of the democracy and are in public interest and after getting the information complaint will be filed before the competent authorities and before the Hon'ble Odisha High Court to seek the order to run the office of the PIO in a democratic ways where the commissions should be reachable for common people and should corruption free.
- f) That, is because the complainant advocate has paid the fee for the application and promise to pay the fee for the information and has legal as well as fundamental right to seek these information to use it in his daily practices and to provide remedies to his clients.
- g) That, is because the officers of the PIO is running without any PIO, Administrative Officer, Transparency officer and others officers required to handle the RTI machinery installed in the office and all are engaged in operating a paisa Vashooli racket and engaged in collection of illegal money from all the quarters so the PIO refused to provide the information in consideration of the fee taken in advance.

PRAYERS :-

01. It is therefore, most respectfully prayed that the Hon'ble Commission many kindly be admit this complaint u/s 35 of the statute, inquire the same in the interest of public and for the protection of the fundamental right. The delay should be condoned with the the Opp. parties debar the complainant to file this case after killing his younger brother and attempt was made to kill the complainant who left the state to save his life and was busy in pursuing his law education.
02. It is therefore, most respectfully prayed that the Hon'ble Commission many kindly be please to award to the complainant, a compensation of Rs.2.00 Crore in total (Rs.Two Crore Only) against the opposition party(s).
03. It is therefore direct the opposition party(s) to install the grievance redressal mechanism to redress the complaint petitions of the aggrieved people.
04. It is therefore, the commission should direct the opposition party(s) to direct the Opp. Party to constitute the official website and public all the information into I tin compliance of section-4(1)(b) of the Statute.
05. It is therefore, the commission should direct the opposition party(s) to direct the appointment, publishing of the address and contact details of the PIO, Transparency officer and 1st appellate authority.
06. It is therefore, the commission should direct the competent authority to monitor the conduct of the Opp. Party should communicate the name, designation and contact details of the PIO, Transparency officer and the 1st appellate authority in all communication
07. It is therefore, the commission should direct departmental inquiry against the Opp. Party to send them for the refreshment training of the statute.
08. It is therefore, the commission should direct the Opp. Party to donate their 6 months' salary to the CM relief fund.
09. It is therefore, the commission should direct the Opp. Party to redress all pending applications afresh.
10. It, is therefor, the commission may grant other relief as it think fit to meet the complete end of justice.

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ANAND KUMAR SHARMA & Anr.

Complainant

VS

01.Public Information Officer & Ors.

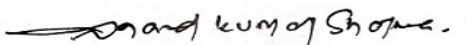
Opposition Parties

AFFIDAVIT

I, Advocate A.K.Sharma, age about 48, S/o. Late H.K.Sharma, resident of Sector 7 , Markat Nagar Cuttack- 753014, Odisha, do hereby solemnly affirm and state as follows;

01. That I am the complainant in this petition.

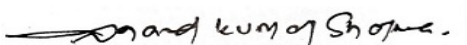
02. That the facts stated above are true to the best of my knowledge and belief and this petition is filed by me.



Deponent

VARIFICATION

I and the deponent above verified at Cuttack, on this 1st day of February, 2025, that the contents of the above complaint petition and the affidavit are true and correct to the best of my knowledge and belief.



Verificant

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ADVOCATE A.K.SHARMA & Anr.

Complainants

VS

01.Public Information Officer & Ors.

Opposition Parties

Documents Relied upon :

<u>Sl.No.</u>	<u>Particular</u>	<u>Annexure</u>
01	A copy of the RTI application	1
02	A copy of the fee paid	2
03	A copy of the reply from the PIO	3
04	A copy of the complaint petition	4
05	A copy of the chief secretary's direction	5
06	A copy of the Zero Tolerance policy of the state	6
07	Any other document should allow to prove my case. If required	

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CHRONOLOGY OF THE EVENTS :-

<u>Sl.No.</u>	<u>Particular</u>	<u>Date</u>
01	RTI application filed	25-10-2024
02	RTI fee paid on	25-10-2024
03	Reply by the PIO	28-01-2025
04	Complaint is filed on	31-01-2025