

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/121
CICOM/A/2018/00112
CICOM/R/2018/00250

Name of the appellant : Shri Kapildeep Agarwal,
R.No.407, 4th Floor,
32-B, J.P. Complex,
Mayur Vihar Phas-1, Patparganj,
Delhi - 110 091.

1.	Date of RTI application	06.03.2018
2.	Date of reply of the RTI application	20.03.2018
3.	CPIO(s) who furnished reply	DR to CR-1
4.	1 st Appeal Date	23.04.2018
5.	Diary No. of 1 st Appeal of the Dak Section	128345
6.	Diary date of the Dak Section	04.05.2018
7.	Diary date of 1 st Appeal in the office of FAA	07.05.2018
8.	Date of Decision	10.05.2018

Brief facts of the case:-

In the RTI application, the appellant has sought following information in respect of six major political parties i.e. BJP, INC, NCP, BSP, CPI and CPIM declared as Public Authorities vide Commission's decision No.CIC/SM/C/2011/001386 dated 03.06.2013:-

1. Certified Copy of the Direction/Order/Circular/Notification through which the Three Members Bench headed by Information Commissioner Prof. M. Sridhar Acharyulu was dissolved, which heard the Complaint Case No.CIC/SS/C/2011/000116 & CIC/RM/C/2014/000390 lastly on 21-06-2016 and 22-07-2016.
 2. Certified Copy of the Direction/Order/Circular/Notification through which the Four Members Bench headed by the Chief Information Commissioner Shri R.K. Mathur was constituted in the Complaint Case No.CIC/SS/C/2011/000116 & CIC/RM/C/2014/000390.
 3. Certified Copy of the Direction/Order/Circular/Notification through which the Four Members headed by the Chief Information Commissioner Shri R.K. Mathur was dissolved in the Complaint Case No.CIC/SS/C/2011/000116 & CIC/RM/C/2014/000390.
 4. Certified Copy of the Direction/Order/Circular/Notification through which the Three Members Bench headed by the Chief Information Commissioner Shri R.K. Mathur has been constituted in the Complaint Case No.CIC/SS/C/2011/000116 & CIC/RM/C/2014/000390, which was ready to conduct the hearing on 20-02-2018.
 5. Certified Copy of the List of Dates of all hearing conducted till date and Orders passed in the Complaint Case No.CIC/SS/C/2011/000116 & CIC/RM/C/2014/000390."
2. Shri Krishan Avtar Talwar, CPIO cum DR to CR-1 vide letter dated 23.03.2018 responded as under:-

P.T.O.

10 MAY 2018
[Signature]

"Immediately, on receipt of your RTI application dated 16.03.2018 assistance u/s 5(4) of RTI Act, 2005 was sought from the custodian of the information i.e. the Registrar vide letter dated 20.07.2018 while endorsing a copy to your goodself.

The Registrar, vide endorsement dated 22.03.2018 informed that "The concerned file is under submission to CIC and its returned the same will informed to you for taking further necessary action". As such, reply/information on the issues raised by you shall be provided on receipt of the same from the Registrar, custodian."

3. On the grounds of first appeal, appellant has stated that:-

- "1. My RTI Application dated 06-03-2018 has not been transferred by the CPIO (RTI Cell) to the concerned CPIO within five days mandated under Section-6(3) of the Act.
2. It is well settled principle held by this Commission, High Courts and Supreme Court of India in several decisions and judgments that information cannot be denied on any ground whatsoever except the exemptions from disclosure of information stated in Section-8 & 9 of the Act. In the RTI Reply dated 23.03.2018, Shri Krishan Avtar Talwar, Deputy Secretary & CPIO, Central Registry-1 has malafidely denied the information. It is the duty of the CPIO to collect the information if it is available within office of Public Authority. Further there is no bar on the CPIO to collect the information from the file even if it is submitted to any person/office/authority for under consideration and to provide the same within the period of thirty days under Section-7(1) of the Act."

Accordingly, the appellant has requested to direct the CPIO to furnish the information sought in his RTI application as per the provision of the RTI Act, 2005.

Decision with reasons:-

4. In view of the above, direction is given to Shri Krishan Avtar Talwar, CPIO cum DR to CR-1 to collect information sought in the RTI application from the custodian and provide point-wise information to the appellant within 1 week from the date of receipt of the order.
5. The appeal is, therefore, disposed off.
6. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 10th May, 2018.

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.
Shri Kishan Avtar Talwar, CPIO & DR to CR-1, CIC, New Delhi.

Aut
10/5/18

Singh
10/5/18