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

CIC/AA/A/2018/187
CICOM/A/2018/00170
CICOM/R/2018/00532

Name of the appellant : Shri Kamal Bhasin,
3-A, DDA Flats,
Friends Colony (East),
New Delhi – 110 065.

1.	Date of RTI application	19.03.2018
2.	Date of reply of the RTI application	31.05.2018
3.	CPIO(s) who furnished reply	CPIO, RTI Cell
4.	1st Appeal Date	30.06.2018
5.	Diary No. of 1st Appeal of the Dak Section	462
6.	Diary date of the Dak Section	09.07.2018
7.	Diary date of 1st Appeal in the office of FAA	10.07.2018
8.	**Date of Decision**	**27.07.2018**

The RTI application dated 19.03.2018 was received along with first appeal, disposed off vide FAA's decision No.CIC/AA/A/2018/137, CICOM/A/2018/00128 dated 25.05.2018 directing CPIO, RTI Cell to register it as per the provision of RTI Act, 2005.

Brief facts of the case:-

2. In the RTI application, appellant has sought following information in respect of his non-compliance petition dated 03.11.20017 in case file No.CIC/YA/A/2015/002653/SB:-

"a) Certified copy of records including file notings and documents.

b) A detailed order of the CIC justifying its decision that no further action lies as the respondent has complied with its decision in accordance with the fundamental policy of Indian law and jurisprudence system.

c) It may kindly be confirmed whether the passing of the order by Hon'ble Commission on the disposal of the non-compliance petition of the appellant without giving hearing or sending hearing notice to the appellant in breach of natural justice, has been done in conformity with the due process of the commission.

d) A Copy of the Vakalatnama duly submitted by the Counsel for respondent in the referred case before the Commission."

P.T.O.

3. In compliance of FAA's orders, CPIO, RTI Cell registered the above said RTI application vide No.CICOM/R/2018/00532. and sought information u/s 5(4) of the RTI Act from Shri S.S. Rohilla, CPIO & DO to IC(SB). Shri Rohilla vide letter No.CICOM/R/2018/00532/SB dated 30.05.2018 has furnished following information:-

> *"**Point No. 1) & b)***
> *Certified copy of the file noting is enclosed.*
> ***Point No. c)***
> *No hearing has been conducted while disposal of the non-compliance petition.*
> ***Point No.d)***
> *No Vakaltnama received from the Respondents in the file no.CIC/YA/A/2015/002653."*

Decision with reasons:-

4. On perusal of the appeal, it is observed that appellant is aggrieved that his non-compliance petition dated 03.11.2017 has been decided by the Commission without granting any hearing or serving notice to the appellant in violation of RTI Act. He also stated that the appellant has specifically requested for providing a detailed judgment order of CIC for disposal of his non-compliance petition but CPIO remained silent on this issue. Appellant further stated that CIC held in its decision as reported by DR that the respondent has complied with the order of CIC by submitting an affidavit to this effect that the aforesaid action plan was approved by the competent authority without ensuring whether the action plan duly approved by PFC Board of director has been provided by the respondent to the appellant. Moreover, CIC was required to conduct the hearing of the non-compliance petition of the appellant for CIC order in conformity with the procedure of the RTI Act.

5. In this regard, it is to mention that FAA of the Commission cannot comment on the decision of the Commission. Further, attention of the appellant is invited to the para-6 of Hon'ble High Court of Delhi judgment dated 11.01.2013 in LPA No.785/2012 of Hansi Rawat and Anr. Vs. Punjab National Bank and Ors in which it was held that:-

"The proceedings under the RTI Act do not entail detailed adjudication of the said aspects.....the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished."

6. Hence, as far as information sought in the RTI application is concerned, the point-wise information furnished by the CPIO is factual and appropriate, therefore, no intervention is required on the part of the FAA, in the matter.

7. The appeal is, therefore, disposed off accordingly.

8. 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 30th July, 2018.

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

Copy to:-

1. Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.

30/7/18

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D. No.....
Initials.....