

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

CIC/AA/A/2018/245
CICOM/A/2018/00215
CICOM/R/2018/00647

Name of the appellant : Shri Digvijay Tarte,
Public Concern for Governance Trust,
B/2 Mahalaxmi Chambers,
22, Bhulabai Desai Road,
Mumbai – 400 026.

1.	Date of RTI application	21.06.2018
2.	Date of reply of the RTI application	10.07.2018
3.	CPIO(s) who furnished reply	CPIO, Legal Cell
4.	1 st Appeal Date	30.08.2018
5.	Diary No. of 1 st Appeal of the Dak Section	2403
6.	Diary date of the Dak Section	06.09.2018
7.	Diary date of 1 st Appeal in the office of FAA	11.09.2018
8.	Date of Decision	14.09.2018

Brief facts of the case:-

In the RTI application, appellant has sought following information:-

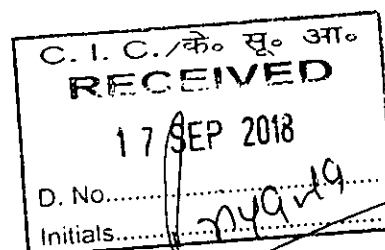
"Kindly refer to letter No.11488/2018 of CIC/New Delhi, dt. 21-02-2018 (enclosed) informing us about the deemed Universities as public authorities u/s 2(h) of the RTI Act, 2005.

Kindly let me know/have the details of information in this regard with respect to the following points:

- The status of action taken or proposed to be taken by CIC to vacate the stay ordered by the aforementioned court;*
- Copy of file noting by the CIC, including inter-departmental correspondence, if any, relating to CIC's efforts to get the stay order vacated."*

2. Shri Kishore Kumar Pukhral, CPIO Legal Cell vide letter dated 10.07.2018 has furnished following information:-

"(a) & (b) Hon'ble High Court of Delhi has held in the case of State Bank of India Vs Mohd. Shahjahan (2009), Registrar of companies & Ors Vs Dharmendra Kumar Garg & Anr (2012) and UPSC Vs Shambhunath (2008) that the Commission need not defend its own decision. Hence, Commission is not defending its own decision."



P.T.O.

3. In the appeal, appellant stated that:-

"If the CIC is not to defend its own considered decision then how is it going to enforce it and how the purpose of the said Act that is accountability and transparency of the Public Authority (PA)s have to be ensured and fulfilled. Therefore it is prayed that the PIO may please be directed to furnish an appropriate reply regarding particulars of action taken by the CIC to get the stay order of the Karnataka High Court on the subject matter of the RTI application under reference.

Decision with reasons:-

4. On perusal of the RTI application, CPIO's reply and submissions made in the appeal, it is to mention that the Commission in its meeting dated 04.07.2017 vide para (iii) of Minutes of Meeting has decided as under:-

"The issue of defending Court cases filed against the Commission's orders was discussed. It was decided that in cases where the powers and functioning of the Commission under RTI Act 2005 are likely to be impaired, the Commission may consider filing its views before the Court."

5. In view of the above, it is observed that reply furnished by the CPIO is appropriate and factual, therefore, no intervention is required on the part of the FAA, in the matter.

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

7. 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.

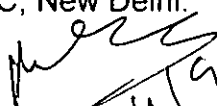
Dated the 14th September, 2018.


(Rakesh Kumar Singh)

Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.


14/9/18

