

**CENTRAL INFORMATION COMMISSION**

**Baba Gang Nath Marg, Munirka,**

**New Delhi – 110 067**

**File No. CIC/AA/A/2018/171**

**CICOM/A/2018/60092**

**CICOM/R/2018/50392**

**Sh. Varun Krishna**

**....Appellant**

**VERSUS**

**Central Information Commission**

**.....Respondent**

**Present:**

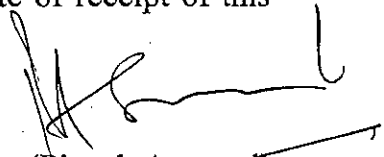
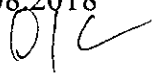
- 1. The appellant heard over the phone**
- 2. Sh. Ashok Kumar Sharma, CPIO (RTI Cell)**
- 3. Sh. Mahesh Rawat, PA to Addl. Secy.**

**Record of proceedings**

1. The above mentioned case was fixed for hearing today i.e 08.08.2018 at 11:00 a.m. and both the parties were afforded an opportunity to appear and argue the matter. The appellant had contacted the undersigned over the phone and had shown his inability to attend the matter in person and requested to hear him on the phone. His request was allowed and he was heard over the phone. The representatives of the Public Authority were also heard in person.
2. It has been noticed from the records available and the arguments made by both the parties that the Appellant is aggrieved with the reply dated 23.04.2018 received from Sh. K.L. Das, DO to IC (BJ) & CPIO who was directed by the First Appellate Authority vide his order dated 21.03.2018 to revisit the matter and provide the information to the Appellant within 15 days from the date of receipt of the order.
3. The Appellant filed another First Appeal on 03.05.2018 under Section 19 (1) of the RTI Act, 2005 wherein the grounds of the Appeal have been mentioned. The so called second First Appeal filed by the Appellant was rejected by Sh. R.K. Singh, the then First Appellate Authority vide his order dated 14.05.2018 on the ground that the First Appeal dated 03.05.2018 filed by the Appellant was against the compliance reply dated 23.04.2018 of Sh. K.L. Das, CPIO in compliance to the First Appellate Authority's order dated 21.03.2018 and since the online First Appeal of the same RTI application has already been disposed of directing the CPIO to provide the information, no further action is required on the part of the First Appellate Authority in the matter.
4. The Appellant has argued over the phone that he has a right to file his First Appeal dated 03.05.2018 under Section 19 (1) of the RTI Act, 2005 against the response received from Sh. K.L. Das, CPIO alleging that the complete information has not been provided to him by the CPIO.

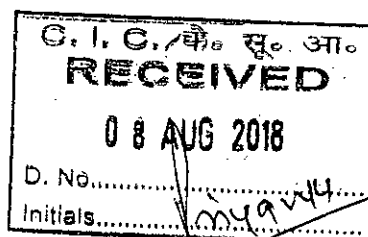
5. I have gone through the provisions of the RTI Act, 2005 and satisfied that there is no provision in the Act to file a second First Appeal once the First Appeals has already been disposed of by the then First Appellate Authority vide his order dated 21.03.2018. However, at the most, the so called second First Appeal dated 03.05.2018 filed by Sh. Varun Krishna can, be considered as a case of non-compliance of the order dated 21.03.2018 passed by the First Appellate Authority in the matter by the CPIO Sh. K.L. Das in toto.
6. I have also gone through the letter dated 03.05.2018 submitted by the Appellant to the First Appellate Authority viz.-a-viz. the information provided by Sh. K.L. Das, CPIO and I am fully satisfied with the reply sent by Sh. Das to the Appellant as the CPIO has already clarified in his reply that whatever information available in the records were provided to the Appellant except on Sl. No. 4 of the said letter.
7. Sh. K.L. Das, CPIO is therefore directed to provide the information as sought for by Sh. Varun Krishna at Sl. No. 4 of his letter dated 03.05.2018, if available/maintained by him within a period of 15 days from the date of receipt of this letter.

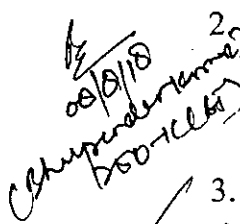
Sh. Varun Krishna is further informed that he is free to file a Second Appeal under Section 19 (1) of the RTI Act, 2005 before the Chief Information Commissioner at the above mentioned address within a period of 90 days from the date of receipt of this order.

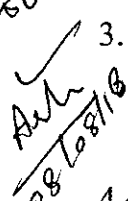
  
 (Piyush Agarwal)  
 First Appellate Authority  
 08.08.2018  


Copy to:

1. Sh. Varun Krishna  
213, Govind Appts, B-2,  
Vasundhara Enclave,  
Delhi - 110096  
M. No. 9910946207
2. Sh. K.L. Das  
DO to IC (BJ) & CPIO  
Central Information Commission
3. Sh. Ashok Kumar Sharma  
CPIO, (RTI Cell)  
Central Information Commission
4. Sh. Mahesh Rawat  
PA to Addl. Secy.  
Central Information Commission



  
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