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

CIC/AA/A/2019/025
CICOM/A/2019/00018
CICOM/R/2018/01199

Name of the appellant : Shri Upendra Gupta.
H.No.348, Farsh Bazar,
Gali Kumharon Wali,
Nr. Jwala Nagar Chowk,
Shahdara,
Delhi – 110 032.

1.	Date of RTI application	08.12.2018
2.	Date of reply of the RTI application	15.01.2019
3.	CPIO(s) who furnished reply	DO to IC(BJ)
4.	1st Appeal Date	19.01.2019
5.	Diary No. of 1st Appeal of the Dak Section	7943
6.	Diary date of the Dak Section	25.01.2019
7.	Diary date of 1st Appeal in the office of FAA	28.01.2019
8.	**Date of Decision**	**31.01.2019**

Brief facts of the case:-

In the RTI application, appellant has sought following information -

"1. Please confirm that M/s Banasthali Vidyapeeth (Deemed to be university) is Public Authority as per definition given pertaining to Section 2(h) of RTI Act 2005.

2. Kindly issue copy of written statement of Secretary of M/s Banasthali Vidyapeeth submitted in decision #CIC/SG/C/2009/000092/2700 dated 13/04/2009 vide complaint # CIC/SG/C/2009/000092 before IC Mr. Shailesh Gandhi Decision copy attached A-4.

3. Please advise the process to get clarification from IC/CIC on the contradictory orders given on 2 different occasions but meant for same issues.

4. Please advise the process to get the review of order given by IC/CIC rely on facts submitted by either party i.e. Complainant/respondent during hearing but later proved to be false.

5. Please name authority competent to review order given by IC/CIC."

2. Shri K.L. Das, CPIO & DO to IC(BJ) vide reply dated 15.01.2019 informed that:-

"1. This is decided by the Commission. CPIO is not competent to offer any comment in this regard.

C. I. C./के० सू० आ०
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2. This is an old file and is not available in this registry. The digitized copy of the file has been obtained from the record room. There is no such written submission available in the file.

3. No such information is available on the record.

4 & 5. Order once passed by the Commission is final. There is no provision for review under the RTI Act."

Decision with reasons:-

3. On perusal of the RTI application, CPIO's reply and appeal, it is observed that appropriate and factual information has been provided by the CPIO except information provided on Point 1 where CPIO has informed that public authority is decided by the Commission. As regards public authority, Section 2(h) of the RTI Act may be referred to. Further, the matter regarding M/s Banasthali Vidyapeeth is a public authority or not has been enquired from Shri Jeewan Chandra, Consultant/CPIO(MR) who informed that M/s Banasthali Vidyapeeth is not a public authority as per record of the Commission.

4. In view of the above, appeal is disposed of.

5. 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 31st January 2019.

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

Copy to:-

1. Shri TBJS Rajappa, CPIO, RTI Cell, CIC, New Delhi.

02/01/19