



CENTRAL INFORMATION COMMISSION
Baba Gang Nath Marg, Munirka,
New Delhi – 110 067

Sh. Arun Kumar Gupta

....Appellant

VERSUS

Central Information Commission

.....Respondent

Case No. :

1. **CIC/AA/A/2019/198**
2. **CICOM/A/2019/00158**
3. **CICOM/R/2019/00544**

Brief facts :

1. The Appellant Sh. Arun Kumar Gupta, vide his RTI application dated 02/07/2019 sought the following information :
 1. What is the no. of Second Appeals pending for listing in CIC.
 2. What has been the no. of new Second Appeals filed in the last one year.
 3. (a). What has been the no. of Second Appeals disposed of in the last one year.
(b). How many of these were respectively disposed of in first hearing, second hearing, third hearing and so on.
 4. Is there any plan for reducing the gap of almost one year between the date of registration of Second Appeal and its first listing in from of Information Commissioner, in view of all courts in India including the Hon'ble Supreme Court of India listing any case filed before them within a period of 1 to 7 days.
2. Sh. T.B. J.S. Rajappa, CPIO (RTI Cell), vide his letter dated 24.07.2019 replied to the RTI application of the Appellant mentioning therein:
 - I. Point No 1 to 3 : RTI application has already been transferred online through RTI-MIS on 16.07.2019 to Shri Jeewan Chandra, SO (MR) & CPIO to provide the information directly to you.
 - II. Point 4 : Information is not available
3. Being dissatisfied with the reply dated 24/07/2019 sent by Sh. T.B.J.S Rajappa, CPIO (RTI Cell), the Appellant filed a First Appeal dated 24/08/2019 before the undersigned, which was perused along with the other records and on perusal of the First Appeal it has been noticed



that the Appellant has mentioned that the reply (with respect to point 4 of the RTI application of the Appellant) given by the CPIO is evasive, the PIO was duty bound to check from the relevant CIC officials whether there is such plan or not and reply to be given in yes or no.

Decision:

I am of the considered view that Sh. Rajappa, the CPIO has rightly replied to Point 4 of the RTI application dated 02/07/2019 filed by Sh. Arun Kumar Gupta and the CPIO is under no obligation under the RTI Act, 2005 to generate or create such information which are not available and he is to provide only such information which are available with him. Therefore, the Appeal filed by Sh. Arun Kumar Gupta is devoid of merits and hence, the Appeal is disposed off.

Sh. Arun Kumar Gupta is further informed if he is not satisfied with the order of the undersigned, he is free to file a Second Appeal under Section 19 (1) of the RTI Act, 2005 before the Hon'ble Information Commissioner Sh. Divya Prakash Sinha at the above mentioned address within a period of 90 days from the date of receipt of this order.



(Piyush Agarwal)
Registrar & First Appellate Authority
05/09/2019

To,

Sh. Arun Kumar Gupta
129, Udyog Sheel Mahila Samiti Complex
Sarita Vihar, Opposite Appolo Hospital
Next to Jasola Appolo Metro Station
120, Mathura Road, New Delhi – 110076



o/c

Copy to :

✓ Sh. T.B.J.S. Rajappa
CPIO (RTI Cell)
Central Information Commission

Am
06/09/19

