



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

**Sh. R.R. Tripathy**

**....Appellant**

**VERSUS**

**Central Information Commission**

**.....Respondent**

**Date of hearing: 20/09/2019**

**Time : 03:20 p.m.**

**Case No:**

1. **CIC/AA/A/2019/185**
2. **CICOM/A/2019/60144**
3. **CICOM/R/2019/50661**

**Present:**

1. **None - For the Appellant**
2. **Sh. H.P. Sen, DR to IC (DP) & concerned CPIO - For the Respondent**
3. **Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) - For the Respondent**

**Brief facts:**

1. Sh. R. R. Tripathy, the Appellant sought the following information vide his RTI application dated 13/08/2019:
  - i. Total no. of cases fixed for hearing for the IC-Sh. Divya Prakash Sinha in respect of Sh. Varun Krishna.
  - ii. Date on which notices for hearing of cases were issued to CPIO/CPIOs.
  - iii. Mode of dispatch of notices as at sl. 3 above.
2. Sh. H.P. Sen, the concerned CPIO, responded to the RTI application vide his letter dated 20/08/2019, and sent a point-wise reply as follows:
  - i. No case has been scheduled for cases in respect of Sh. Varun Krishna.
  - ii. No notice has been issued.
  - iii. Notices whenever issued are dispatched through speed post.



3. Being dissatisfied with the reply of the CPIO, the Appellant filed First Appeal dated 28/08/2019 before the First Appellate Authority, on the grounds 'details not provided, provided incomplete, misleading or false information'. The Appellant has further mentioned that the PIO is providing misleading and false information for Sl. No.1 and has also referred decision dated 05/08/2019 uploaded on 13/08/2019 for the appellant/complainant Shri Varun Krishna uploaded on CIC's website and also attached the same along with his First Appeal which he claims to prove that the hearing was fixed in the case of Shri Varun Krishna on 05/08/2019.

**Record of proceedings:**

1. Sh. R.R. Tripathy did not appear for the hearing. However, Sh. H.P. Sen, concerned CPIO and Sh. T.B.J.S. Rajappa, Nodal CPIO (RTI Cell) were present during the hearing of the case.

2. On perusal of the RTI application, reply of the CPIO and the First Appeal filed by the Appellant it has been observed that the CPIO has provided the complete information as desired by the Appellant in his RTI application.

3. In the First Appeal filed by the Appellant, he has mentioned the grounds of Appeal as provided incomplete, misleading or false information and also attached his submission dated 28/08/2019 referring therein a decision of the Commission dated 05/08/2019 which was uploaded on 13/08/2019 on the CIC's website and sought for personal hearing to expose the double standards of the PIO. The Appellant was afforded an opportunity to attend the hearing on 20/09/2019 but neither he attended the hearing nor responded to the notice of hearing sent to him for attending the hearing. As per records available in the file and the copy of the decision dated 05/08/2019 as mentioned by the Appellant, the CPIO has nothing to do with the same as the CPIO has clearly mentioned in his reply to the RTI application that neither any case had been scheduled for cases in respect of Shri Varun Krishna nor any notice had been issued. The CPIO further informed that notices whenever issued are dispatched through speed post.

4. The CPIO has rightly provided the information available with him and he is under no legal obligation to generate any information or the information which is not available with him as desired by the Appellant. Hence, the Appeal is dismissed being devoid of merits.

Sh. R.R. Tripathy 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  
20/09/2019

To:

Sh. R. R. Tripathy  
Office No. 18, Sreeji Arcade,  
Thane (W), Mumbai  
Maharashtra - 400602  
M. No. 7738263003

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Copy To:

1. Sh. H.P. Sen,  
DR to IC (DP) & concerned CPIO  
Central Information Commission
2. Sh. T.B.J.S. Rajappa  
Nodal CPIO (RTI Cell)  
Central Information Commission

Pawan  
23/09/19 (ICLDP)



23/09/19

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