

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

CIC/AA/A/2020/13

CICOM/A/E/20/00005

CICOM/R/2019/50978/1

Name of the Appellant : Sh. Jasbir Singh Arora
85, GF, Jeewan Nagar,
Bala Sahib Road,
New Delhi - 110014.

1.	Date of RTI application	18.12.2019
2.	Date of reply of the RTI application	06.01.2020
3.	CPIO(s) who furnished reply	Sh. Kishore Kumar Pukhral, CPIO
4.	1 st Appeal Date	07.01.2020
5.	Date of Decision	21.01.2020

Brief facts of the case:-

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

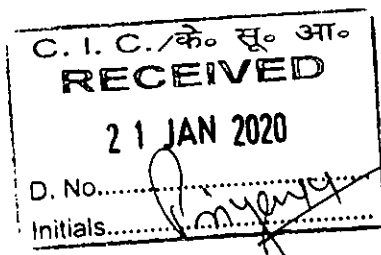
"Shri K K Pukhral CPIO Through CPIO-RTI Cell KINDLY PROVIDE ME CERTIFIED COPIES OF PAGE 7/N OF NOTE SHEET SIDE AND ALL RELATED DOCUMENTS FROM CORRESPONDENCE SIDE. ALSO PROVIDE LETTER REFERENCE NO -CIC/IC-DP/GEN/2019-0002 DATED 11/11/2019 OF SHRI H P SEN ALSO PROVIDE LETTER DATED 20/11/2019 OF LEGAL CELL AS RECEIVED BY SHRI SEN."

2. Reply by CPIO :-

"Query Information sought is personal in nature and no public interest is involved. Besides the matter is sub-judice, hence the same cannot be supplied and denied under Section 8 (1) (j) of the RTI Act, 2005."

3. RTI applicant filed First Appeal as under :-

"The reply of CPIO is not only shocking but shows how this Commission is engaged in protecting the culprits who are openly defying the orders of High Court of Delhi in WP-13890 of 2018. Similar information from the same file in the past was provided by this CPIO but to a shock to appellant now the same CPIO is illegally applying the provisions of Section 8(1)(j) of RTI Act 2005 without realising that if the matter is simply subjudice the same can not be denied unless the concerned court has specifically barred it to be supplied. The information sought relates to the case of the appellant, then how can it be termed as personal information. CPIO can delay supply of information by applying these illegal delaying tactics, but now it is confirmed that no one can stop me from filing a case of civil contempt against both Shri H.P.Sen and Shri Divya Prakash Sinha."



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4. CPIO, Sh Kishore Kumar Pukhral replied vide letter No. CICOM/A/E/20/00005 dated 21.01.2020 mentioned that :-

"The information sought has already been denied vide letter dated 05.01.2020. The Commission in Shri Milap Choraria Vs. Central Board of Director Taxes (Complaint No. CIC/AT/C/2008/00025 dated 27.07.2019) has held as under :-

"38..... They doubt the motive of the appellant in seeking to access this information which they believe seeks to inflict harm on the very public authority through whose avenue the litigant is seeking the information to be disclosed. It is the claim of the public authority that under the law of the land, they are obliged to produce the evidence only before a law court and are under no obligation to share it in advance with the appellant who is seeking to engage the public authority in a legal proceeding. They have argued that if this line is accepted, serious harm shall be inflicted on the government and the public authority's ability to safeguard public interest, against intrusive action by self-seeking litigants. **A public authority is duty-bound to defend its officers' bona-fide interest as well as its own interest in any litigation with the opposite party, and if it is forced to submit to that opposite party's demand for all information about, what decision was taken to defend the government's interest; what evidence was marshaled and how the evidence was collected and the decision made, would irretrievably damage the public authority's interest as litigant and compromise its ability to carry out its mandate of defending the public authority through its actions.** A public authority must not be obligated to explain its conduct by revealing the entire decision-making process to the very litigant with whom it may be engaged in a dispute legal or otherwise.

41..... no public interest was being served but the appellant's personal interest; disclosure would compromise the ability of the public authority to find the best way to legally defend the interest of one of its officers, who is threatened by legal action of the appellant; the right of the Government not to share the evidence and the records it holds in that regard with the very person threatening to drag it to the law court; the larger implication of such right being conferred on litigants to access all information held by Government relating to litigation they themselves start; such disclosures would compromise the public authority's ability to carry out its mandate and to attend with the best of its ability to the responsibilities it is entrusted to discharge, etc.

42..... Their reference to the violation of the norms of equity in allowing the very person, who seeks to drag the public authority to court, all information about how the public authority wishes to defend itself is also quite convincing.

43..... appellant has failed to cite any public interest that would commend superseding the protected interest in the matter of disclosure of the requested information, within the meaning of Section 11(1) of the RTI Act."

In view of the above decision of the Commission, no public interest is involved and information was denied.

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Hearing of the Appeal

5. The Hearing Notice was issued for the matter on 13.01.2020 for hearing on 20.01.2020. CPIOs Shri Kishore Kumar Pukhral and Appellant Shri Jasbir Singh Arora both were absent. CPIO submitted comments on 21.01.2020. Matter was heard on appellants mobile No. 8826449896 given in first appeal application.

Decision

6. Considering the first appeal, comments of CPIO and hearing, it is observed that appellant has failed to cite public interest in getting information from public authority for his personal interest in court case where CIC is also party. Norms of equity demands that public authority has also to keep information with them in public interest for defending a court case against the appellant. Level playing field has to be maintained between public authority and appellant in defending court case. Hence, it will be harm to public interest if information is given to Appellant in case filed against CIC by him.

7. The appeal is being disposed of accordingly.

8. 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 21 January 2020,

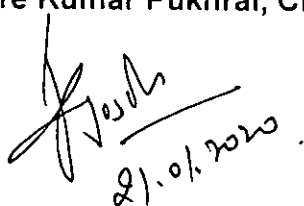


(Y. K. Singhal)
First Appellate Authority
Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh Kishore Kumar Pukhral, CPIO, Legal Cell, CIC, New Delhi.

g/k
21/01/20


21.01.2020