Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/37
CICOM/P/20/00016
CICOM/R/2019/00817

Name of the Appellant: Dr. P. V. Srinivas Acharyulu,
Flat No. G-1, Krishna Residency,
Opp.- Vijaya Bank, Gandhi Nagar,
Hyderabad – 500 080

1.	Date of RTI application	27.10.2019
2.	Date of reply of the RTI application	09.12.2019, 18.12.2019
4.	CPIO (s) who furnished reply	Sh. S. S. Rohilla, DO to CIC & Sh. Krishan Avtar Talwar, CPIO (Central Registry-1).
3.	1st Appeal Date	17.01.2020
5.	Date of Decision	29.01.2020

Brief Facts of the case:-

1. In his RTI application, the appellant has asked for following information:

   a). Proceeding of the File Ref. File No. CIC/LS/A/2012/000831 and action taken on respondent NTPC Ltd., for not fully complying to the orders issued by the CIC along with present status.

   b). Status of hearing to be conducted by CIC on my appeal applications with diary numbers and subsequent reminders, listed below:

Serial No.	CIC's Diary No.	Date of Applications
1.	110542	08.02.2013
2.	110523	08.02.2013
3.	110546	08.02.2013
4.	110547	08.02.2013
5.	110549	08.02.2013
6.	12473	08.04.2013
7.	131097	02.05.2013
8.	Reminder	07.05.2013
9.	Appeal & Complaint	27.04.2013
10.	189727	12.12.2013
11.	Reminder (Fax)	24.03.2014
12.	Reminder	08.10.2014
13.	Fresh RTI Application	30.09.2019

O/C

C. I. C./के० सू० आ०
RECEIVED
30 JAN 2020
D. No.....
Initials.....

Reply of CPIO:-

2. In response to point No. 1 of the above RTI application, the CPIO, Sh. S. S. Rohilla, DR to CIC-SB, provided following information to the appellant:

> "On perusal of e-book of File No. CIC/LS/A/2012/000831, it is noted that the CPIO, Shri D. C. Singh has sent a letter dated 16.10.2014 enclosing there with reply of NTPC Ltd. No. 01:CP:RTI-2755/2011 dated 21.08.2014 confirming compliance of Commission's order dated 31.08.2012."

3. In respect to point No. 2 of RTI application, CPIO, Sh. Krishan Avtar Talwar, Deputy Secretary, Central Registry-1, provided the information, received from the In-charge Dak Section u/s 5(4) of the RTI Act, to the appellant, in which information regarding action taken against each Diary No. had been communicated to the appellant.

4. In addition, the CPIO, Central Registry-1, also informed the appellant that despite of vigorous efforts Diary No. 189727/12.12.2013 (Diary No. at Sl. No.10 of 2) could not be traced out and requested the appellant to send duly signed copy of said communication along with self-attested copy of all relevant document, so that action on the same may be taken on that. Together with, he also informed the appellant that Diary No. 521112 dated 03.10.2019 was linked to the case file No. CIC/LS/A/2012/000831 and Shri S. S. Rohilla, DR to Hon'ble Chief IC-SB, approved the said link on 16.10.2019. As such for providing further information, if any, this part of your RTI application is transferred back to Shri S. S. Rohilla, DR to Chief IC.

Ground of First Appeal:-

5. Aggrieved with reply furnished by the CPIOs, the appellant filed the First Appeal with a request that:

a.) "Case File No. CIC/LS/A/2012/000831 is once again open for review, compliance and adjudication by CIC or direction to provide factually correct information as per orders of the CIC dated 31.08.2012 else necessary penal action may be initiated as deemed fit."

b.) "With reference to Serial No. 10 of Point No. 2 of my RTI application, vide diary number 189727 dated 12.12.2013, this applicant has already provided or submitted copy of the same vide your office reference diary Number 162114 dated 26.08.2014 for necessary action at your end. It is hereby requested to conduct hearing on my appeal dated 27.04.2013 and diary number 162114 dated 26.08.2014 at the earliest."

c.) "With reference to Serial No. 13 of Point No. 2 of my RTI application vide Commission's Diary No. 521112 dated 03.10.2019 is transferred to Shri S. S. Rohilla, DR to Hon'ble CIC(SB) for providing information"

d.) "With reference to Point No. 3 of my RTI application requesting for an immediate action and conduct of hearing on my fresh RTI application dated 30.09.2019 no information regarding schedule of hearing is mentioned."

Comments from CPIOs on First Appeal:

6. For Disposal of First Appeal, written comments of CPIOs were asked for by the FAA. In written comments of CPIO, Sh. Krishan Avtar Talwar, Central Registry-I, mentioned that:

"Now the appellant has stated that already he had re-submitted the documents which were earlier provided vide Diary No. 189727 dated 12.12.2013, vide Diary No. 162114 dated 26.08.2014. However, no information relating to this Dak too is available. Assistance was sought from Shri Jeewan Chandra, SO (Consultant) & CPIO, custodian of online record and Shri Ram Pal Singh, I/C (Dak) & CPIO, custodian of physical record with the request to provide and thing relating to Diary No. 162114 dated 26.08.2014 & Diary No. 189727 dated 12.12.2013. Both have remarked 'No record found'. Copy of it is enclosed herewith for ready reference."

7. In written comments of CPIO, Sh. S. S. Rohilla, DR to Chief IC-SB, has submitted regarding Dairy No. 521112 dated 03.10.2019, as follow:

"1. Office note dated 21.06.2016 initiated for record officer by DO to IC(DP).

2. A copy of order dated 31.08.2012 of Hon'ble Information Commissioner Shri M. L. Sharma in appeal No. CIC/LS/A/2012/000831, it may be noted that above diary No. 521112 is originated within the Commission and not originated from the appellant."

Decision with reasons:-

8. On perusal of the Appeal, RTI application and CPIO's reply it is observed that the appellant, in his first appeal petition has not complained against any replies provided by the CPIOs. He has requested to review his case CIC/LS/A/2012/000831, which has already been decided by the Commission on 31.08.2012, the direction of the Commission has already been complied with by the public authority and the same has been communicated to the appellant, on dated 16.10.2014, by the then CPIO, Sh. D. C. Singh. It is worth mentioning here that as per the provision of Section 19(7) of RTI Act, "*the decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.*" The Commission has no power to review its decision.

9. Further, the appellant has requested for taking necessary action on his petitions against Diaries No. 162114, dated 26.08.2014, Diary No. 189727 dated 12.12.2013 and Diary No. 521112. The CPIO, Sh. Krishan Avtar Talwar, Central Registry-I, in his written comments, has informed that as per data base of the Commission, "Diary No. 162114 dated 26.08.2014 & Diary No. 189727 dated 12.12.2013, both have remarked 'No record found'." Likewise, the CPIO, Sh. S. S. Rohilla, DR to Chief IC-SB, has submitted that diary No. 521112 is originated within the Commission and not originated from the appellant.

10. In light of the above observation, the undersigned is of the opinion, that the replies given by the both CPIOs is factual and as per provision of the RTI Act, 2005. Therefore, further intervention is not required on the part of the FAA, in the matter.

11. The appeal is being disposed of accordingly.

12. 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 – 110 067 against this order within 90 days.

Dated January 29, 2020.

(A. K. Gehlot)
First Appellate Authority

Tel: 26162290

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. Sh. Krishan Avtar Talwar, Central Registry-I ,CIC, New Delhi
3. Sh. S. S. Rohilla, DR to Chief IC-SB, CIC, New Delhi.