

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

CICOM/A/P/20/00079
CICOM/R/P/20/00290

Name of the Appellant: Shri P. S. Agrawal
H.No.-553, Vigyan Vihar, Sector-49A,
Chandigarh-160 047

1.	Date of RTI application	01.07.2020
2.	Date of reply of the RTI application	22.07.2020
3.	CPIO (s) who furnished reply	Sh. H. P. Sen, DR-IC-DP.
4.	Date of First Appeal application	22.08.2020
5.	Date of receipt of First Appeal Petition in the office of FAA	09.09.2020
6.	Date of Decision	16.09.2020

1. Brief Facts of the case:-

The Appellant, through his RTI Application, asked for following information:

1. Certified copy of action taken report with day to day progress note on the application diarised on dated 10.07.2019 with diary no. 132924 in CIC office, by Hon'ble Information Commissioner (IC) Shri Divya Prakash Sinha, against the concerned CPIO to provide the required relevant information.
2. Certified copy of the information/document if received by IC from the CPIO against the application diarised on dated 10.07.2019 with diary No. 132924.
3. Under which rule or procedure of RTI act, 2005 (amended till today), the appellant can get the required relevant information/document from the CPIO if CPIO has supplied again misleading and unwanted information/document even after the compliance order of Hon'ble Information Commissioner (IC).
4. Under which rule or procedure of RTI act, 2005 (amended till today), Hon'ble Information Commissioner (IC) can take any action against the CPIO if CPIO has supplied again misleading and unwanted information/document knowingly even after the compliance order of Hon'ble Information Commissioner (IC).
5. Under which rule of RTI Act, 2005 the CPIO is legally authorized to call RTI applicant for the inspection of files to get the information if it is not demanded by the RTI applicant.
6. Under which rule of RTI Act, 2005 (amended till today), the Complaint filed under section 18 can be decided as Appeal by the Information Commissioner and can direct the CPIO to provide the information.

2. **Reply of CPIO.**

In response to the above RTI Application the CPIO, Sh. H. P. Sen, DR to IC(DP) provided following information to the Appellant:

1. No information is available about the action taken on your letter 10.07.2019.
- 2 to 6. You have not sought any information under Section 2(f) of the RTI Act.

3. **Ground of First Appeal:**

Aggrieved with the reply sent by the CPIO, the Appellant has filed First Appeal stating, "The CPIO did not provide the satisfactory reply of the RTI Application as the appellant has sought the information under RTI Act, 2005. The CPIO has mentioned in his reply that the information is not sought under Section 2(f) of the RTI Act while the Section 2(f) is also the Section of RTI Act, 2005. Hence the CPIO is bound to supply the information to the appellant as per RTI Act, 2005."

4. **Decision with reasons:**

On perusal of the Appeal, RTI application and the reply, sent by the CPIO, it is observed that the Appellant has asked for information regarding action taken on his application dated 10.07.2019 (Diary No. 132924), which has been filed allegedly for not complying with the order of CIC properly in the matter of Appellant by the concerned CPIO. The CPIO in his reply has clearly informed the Appellant that "No information is available about the action taken on that letter." It is worth mentioning here that under the provision of Section 2(f) of RTI Act, 2005, only such information, as is available and existing and held by the public authority or is under control of the public authority can be provided by a PIO. The PIO is not supposed to create information that is not a part of the record. Hence, the CPIO has provided factual information to the Appellant, which is as per the provision of the RTI Act, 2005. Therefore, no intervention is required on behalf of the FAA in this matter. However, the Appellant may approach the concerned Registry of CIC for early disposal of his non-compliance petition separately.

5. The appeal is being disposed of accordingly.

6. 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 – 16th September, 2020.

C. I. C. / के. सू. आ.	
RECEIVED	
17 SEP 2020	
D. No.
Initials.

Meena Balimane
16/9/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. H. P. Sen, CPIO-DR-IC(DP), CIC, New Delhi.

17/09/20

gk

17/9/20