

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

CICOM/A/P/20/00111  
CICOM/R/P/20/00412

Name of the Appellant: Shri Vincent Disouza  
Pearl Colony, A/5 1<sup>st</sup> Floor  
Dr. B A Road, Dadar (E)  
Mumbai – 400014.

1.	Date of RTI application	15.09.2020
2.	Date of receipt of RTI application in RTI Cell of CIC	23.09.2020
3.	Date of reply of the RTI application	15.10.2020
4.	CPIO (s) who furnished reply	Sh. R. Sitarama Murthy
5.	Date of First Appeal application received in FAA office	27.11.2020
6.	Date of Decision	22.12.2020

**1. Brief Facts of the case:-**

The Appellant through his RTI Application dated 15.09.2020 has asked for the following information related to CIC order No. CIC/CBIND/A/2018/142169:-

- Please let me know, no fine/penalty imposed by Hon'ble IC, in spite of taking serious note of delay on part of respondent CPIO/FAA in providing information/reply. Provide me information no fine/penalty imposed.
- Please provide me LOA provided by Chief Mgr. Ms. Rajeshwari Kannon of respondent bank produced/provided for hearing of RTI appeal dt 04.08.2020 Please let me know.
- Please let me know Ms. Rajeshwari Kannon is CPIO of respondent Bank as per mention made as statement in point (05) lines (01) to (02) on page (02) of order dt.03.09.2020, provide information.
- Please let me know, procedure laid down as specified in points (2) and (3) of call letter Notice followed strictly as to only no officer below rank of CPIO allowed for RTI appeal during hearing dated 04.08.2020 provide information.
- In the beginning of order dated 03.09.2020 of hearing date 04.08.2020 order No. 142169/2018, I seek to know/information sought as to it is stated respondents, when only one single authority/ designation of Bank that is CPIO stated, then please let me know respondents in plural stated, instead of respondent, also
- Please let me know FAA's address stated at end of order dated 03.09.2020 CIC No. 142169/2018, and not at beginning of order, please let me know. Provide information on discrepancy found.
- Please let me know a delay of one month, two weeks in dictating and issue of order dated 04.08.2020, provide information.
- Please provide me CD copy of hearing dt 04.08.2020. I am ready to bear charges.

**2. Reply of CPIO:-**

In response to the above RTI Application the CPIO, Sh. R. Sitarama Murthy, DR to IC (SC) through his letter dated 15.10.2020 has provided the following point-wise information to the Appellant:

- RTI applicant is questioning the order of CIC and seeking comments of the answering CPIO on a question of law, which in not information in terms of section 2 (f) of RTI Act. Hence the CPIO has no information to provide.
- There is no letter of authority available in file. This question has already been answered by this CPIO in response to your RTI application Regd No. CICOM/R/P/20/00361 on 17.09.2020.

- c) RTI applicant is questioning the order of CIC and seeking comments of the answering CPIO on a question of law, which is not information in terms of section 2 (f) of RTI Act. Hence the CPIO has no information to provide.
- d) With respect to the procedures, your attention is drawn to RTI Act Rules and RTI Regulations, which are in the CIC's website.
- e) RTI applicant is seeking clarification on the order of CIC which is self-explanatory. This is not information in terms of section 2 (f) of RTI Act. Hence the CPIO has no information to provide.
- f) RTI applicant is seeking clarification on the order of CIC which is self-explanatory. This is not information in terms of section 2 (f) of RTI Act. Hence the CPIO has no information to provide.
- g) RTI applicant is seeking clarification on the time taken in issue of order of CIC. This is not information in terms of section 2 (f) of RTI Act. Hence the CPIO has no information to provide.
- h) No audio or video recording of the hearings are done by the Commission of the Commission has authorized anybody for this purpose.

**3. Ground of First Appeal:-**

Aggrieved with the reply of CPIO, the Appellant has filed First Appeal.

**4. Decision with reasons:-**

On perusal of Appeal, RTI Application and the reply sent by the CPIO, it is observed that the RTI application dated 15.09.2020 has been received in the RTI Cell of the Commission on 23.09.2020 and on 15.10.2020, Sh. R. Sitarama Murthy, CPIO has provided the information vide his letter No. CICOM-R-P-20-00412-SC-210, within the time limit under RTI Act, 2005. The information provided by Sh. R. Sitarama Murthy, CPIO is as per provisions of the RTI Act, 2005. It is worth mentioning that under the provisions of Section 2(f) of the RTI Act, 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 or collect information that is not a part of the record. He is also not required to interpret information or decision of CIC. Hence, the reply sent by the CPIO, CIC is factual and per the provision of RTI Act, 2005. Therefore, no intervention is required on behalf of the FAA in this matter.

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 – 22<sup>nd</sup> December, 2020.**

*Meena Balimane*  
22/12/2020  
(Meena Balimane Sharma)  
First Appellate Authority  
Tel: 26162290

**Copy to:-**

1. CPIO, RTI Cell, CIC, New Delhi.
2. Sh. R. Sitarama Murthy, CPIO & DR (IC-SC), CIC, New Delhi.

*R. S. Murthy*  
23.12

*OK*

C. I. C. / के. सु. आ.	
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Initials.....	<i>R. S. Murthy</i>