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

CICOM/A/P/21/00002
CICOM/R/P/20/00521

Name of the Appellant: Shri Omprakash Kashiram
3/16, Amol Apartments, Waldhuni,
Kalyan - 421301.

1.	Date of RTI application	16.11.2020
2.	Date of receipt of RTI application in RTI Cell	26.11.2020
3.	Date of reply of the RTI application	14.12.2020
4.	CPIO (s) who furnished reply	Shri S.C.Sharma
5.	Date of First Appeal application	19.12.2020
6.	Date of receipt of First Appeal application in the office of FAA	07.01.2021
7.	Date of Decision	05.02.2021

Brief Facts of the case:-

I. The Appellant, through his RTI application, has referred the CIC decision No.CIC/MOPNG/A/2019/100316 dated 16.10.2020 and requested to provide -

1. Copy of receipt for contract agreement between Bharat Petroleum Corporation (BPCL) and crude supply companies with provision of confidentiality.
2. Copy of receipt for bills of lading for the period Jul-Sep 2018 as mentioned in the BPCL letter dated 11.11.2020.
3. Copy of reply from the PIO, copy of contract agreement received by Shri Neeraj Kumar Gupta, IC with clause that the bill of lading and documents related is part of contract agreement with suppliers.
4. Documents regarding Shri Neeraj Kumar Gupta has intimated vide their order (dtd. 16.10.2020) that the point no.12 is coming under clarification and increasing and decreasing of cost of petrol and diesel is not coming the purview of MOPNG. The documents that increasing and decreasing of cost of petrol and diesel is not coming under the MONPG or not coming in roll of MOPNG under the Allocation of Business Rule 1961 may be provided.
5. Copy of certificate for examine the documents mentioned in Point No.1 to 4 in said letter of BPCL by Shri Neeraj Kumar Gupta, IC during the hearing of appeal.
6. Documents regarding the statements for point no.1 to 4 in the said letter of BPCL is coming u/s 2(f) of RTI Act 2005 as per the various decision issued by Shri Neeraj Kumar Gupta from Jul 2020 to Nov 2020 where he was explained number of decisions and court cases for Sec.2(f) of RTI Act 2005.

Reply of CPIO:-

II. CPIO Shri SC Sharma has replied to the RTI application as under:-

"Point No.1,2&3
The information is not specific. Moreover, it is akin to seeking clarification from the CPIO expecting him to find out certain documents/rules and then provide information, which is not within the jurisdiction of the CPIO. However, the applicant, may inspect the concerned file on any mutually agreed date and time and obtain the available information, as per the provisions of RTI Act.
Point- 4.5&6
Interpretation of orders/documents is not within the ambit of the CPIO. "

Ground of First Appeal:-

III. Information not provided by PIO, CIC, New Delhi.

Decision with reasons:-

IV. On perusal of the First Appeal petition, RTI application and reply given by the CPIO, it is observed that reply given by Shri S.C.Sharma, CPIO, CIC is factual and as per the provisions of the RTI Act, 2005. As per 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 or collect information that is not a part of the record. CPIO has however suggested the appellant to make requisition for specific documents after inspection of the concerned file. Therefore no intervention is required on behalf of the FAA in this matter.

V. The appeal is being disposed of accordingly.

VI. 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.

MBalimane 05/2/2021

(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Dated – 5th February, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC, New Delhi.
2. Shri S.C.Sharma, CPIO, CIC

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