

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

CICOM/A/P/21/00005
CICOM/R/P/20/00509

Name of the Appellant: Shri S.R.Gangurde
Bldg.No.418, Flat No.213
B-Wing, Tagore Nagar No.1
Vikhroli East, Mumbai-400083

1.	Date of RTI application	06.11.2020
2.	Date of receipt of RTI application in RTI Cell	18.11.2020
3.	Date of reply of the RTI application	07.12.2020
4.	CPIO (s) who furnished reply	Shri S.C.Sharma
5.	Date of First Appeal application	15.12.2020
6.	Date of receipt of First Appeal application in the office of the FAA	07.01.2021
7.	Date of Decision	05.02.2021

Brief Facts of the case:-

I. The Appellant, through his RTI application, has requested to review the Commission's decision No.CIC/LOKSS/A/2018/128930/MOPNG-BJ dated 25.02.2020 on the following grounds:

1. In the judgement, Respondent (a) CPIO Under Secretary, Ministry of Petroleum and (b) CPIO and Chairman, Parliamentary Committee on SC/ST Welfare, have been protected to give their view in response to RTI Query of Appellant, because in this case third party BPCL Authority have been given explanation to the RTI Query of Appellant, BPCL not at all the party to RTI process, how they have accepted answer on behalf of Respondent (a) CPIO Under Secretary, Ministry of Petroleum and (b) CPIO and Chairman Parliamentary Committee on SC/ST Welfare.
2. BPCL chronological answer to RTI query proves that fraudulent story to the real statement of Corpus fund of SC/ST scheme and LOI Memo, you have not checked the true story of corpus fund scheme and LOI direction which depicts that petrol pump should be given directly with providing NOC land arrangement by oil company, why penal action of RTI rule cannot be imposed for providing late answer to the Appellant. Appellant requested through Appeal that execution of corpus fund scheme of corpus fund scheme of allotting petrol pump is not been carried out.

Reply of CPIO:-

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

“**Point No.1 & 2:** On perusal of RTI application, it is seen that the information sought does not fall under section 2(f) of RTI Act, 2005. However, it is seen that the applicant is requesting for review of CIC decision in appeal No. CIC/LOKSS/A/2018/128930/MOPNG-BJ. In this context, it is to intimate that CIC is not empowered to review its own decisions.”

Ground of First Appeal:-

III. "I was directed to forward my first appeal to you, hence I am forwarding copy of first appeal to you....." (with reference to RTI reply dated 07.12.2020).

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. He is also not required to interpret information or decision of CIC.

In his reply, the CPIO had suggested the Appellant to submit First Appeal if not satisfied with the RTI reply. Since the Appellant has not mentioned any grounds in the First Appeal, 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.

Dated - 5th February, 2021.

Copy to:-

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

Meena Balimane
05/02/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

