

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

CICOM/A/P/21/00007
CICOM/R/P/20/00486

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

1.	Date of RTI application	31.10.2020
2.	Date of receipt of RTI application in RTI Cell	09.11.2020
3.	Date of reply of the RTI application	02.12.2020
4.	CPIO (s) who furnished reply	Shri S.C.Sharma
5.	Date of First Appeal application	14.12.2020
6.	Date of receipt of First Appeal 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 Commission's decision No.CIC/HPCLD/A/2019/103782 dated 20.10.2020 and requested to provide -

1. Copy of appointment letter appointing PIO, HPCL, Mumbai in the above cited case.
2. Copy of appointment letter appointing FAA, HPCL, Mumbai in the above cited case.
3. Copy of reply from the PIO, HPCL, Mumbai submitted to Shri Neeraj Kumar Gupta who referred the decision.
4. Document regarding Shri Neeraj Kumar Gupta has not indicated all points from 1 to 10 in his above cited order.
5. Document regarding Commission is not using paper head with full name/address of Commission.
6. Copy of exemption for PIO for not indicating their name in the CIC decision.
7. Copy of exemption for issue of Xerox copy of order issued by Shri Neeraj Kumar Gupta, IC.
8. Copy of exemption for not signing the Decision of the Commission by all 11 Commissioners including Chief IC.
9. Copy of comply provision of RTI Act 2005 for not indicating order of FAA.
10. Copy of exemption for not issuing original signed order with blue pen by Shri Neeraj Kumar Gupta.

Reply of CPIO:-

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

“Point-1&2: Information sought is not specific.

Point-3-10: Interpretation of orders/documents is not within the purview of the CPIO. The information sought is also not specific. The applicant may inspect the available file in respect of appeal no. CIC/HPCLD/A/2019/103782, on any working day by mutually agreed date and time.”

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. He is also not required to interpret information or decision of CIC. However, the CPIO has suggested seeking specific documents after inspection of available file of the instant case. 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.

Dated - 5th February, 2021.

Copy to:-

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

M. Balimane
05/2/2021
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

OK

08/2/21

C. I. C./के. सू. आ.
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