

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

CICOM/A/P/21/00038

CICOM/R/P/21/00044

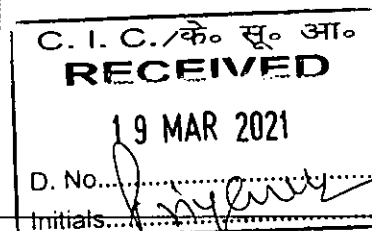
Name of the Appellant: Shri Yogesh Malhotra
S/o Shri C.P.Malhotra,
R/o A-285, Double Storey
Kalkaji, New Delhi - 110019.

1.	Date of RTI application	08.01.2021
2.	Date of receipt of RTI application in RTI Cell/CPIO	19.01.2021
3.	Date of reply of the RTI application	28.01.2021
4.	CPIO (s) who furnished reply	Shri S.C. Sharma
5.	Date of First Appeal application	10.02.2021
6.	Date of receipt of First Appeal in the office of FAA	18.02.2021
7.	Date of Decision	19.03.2021

I. Brief Facts of the case:-

The applicant sought information with regard to non-compliance of three orders of the Commission. After receipt of the replies from concerned CPIOs, he submitted First Appeal in respect of the following queries No.15, 18, 19-27 relating to Appeal No.CIC/CCITD/A/2018/155167 & No.CIC/NDMC/A/2018/112333. Point-wise replies by Shri S.C. Sharma & Shri R.P.Grover, CPIOs respectively are also given below.

Sl.	Information sought by Applicant	CPIO Reply dated 28.02.2021
	Appeal File-CIC/CCITD/A/2018/155167	
10	A letter dated 08.10.2020 sent by the undersigned by way of speed post regarding non-compliance of order No. CIC/CCITD/A/2018/155167.	No information sought.
11	Whether the letter dated 08.10.2020 sent by the undersigned received in the registry of Hon'ble CIC? Kindly clarify.	Received.
12	If the answer to Q.No.11 is YES, Kindly provide Diary No.	Diary No.131301 dated 14.10.2020, as indicated on the letter.
13	Whether show cause notice issued against Appeal No. CIC/CCITD/A/2018/155167.	No such letter available in the file.
14	If the answer to Q.No.13 is YES, kindly provide copy of the same.	
15	If the answer to Q.No.13 is NO, kindly provide the reasons.	No such information available.
16	Whether penalty imposed against Appeal File No. CIC/CCITD/A/2018/155167.	No such information available in the file. A copy of letter dated 10.07.2020 of CPIO in response to CIC order enclosed.
17	If the answer to Q.No.16 is YES, kindly provide copy of the same.	
18	If the answer to Q.No.16 is NO, kindly provide the reason(s).	



	Appeal File-CIC/NDMCN/A/2018/112333	CPIO Reply dated 05.02.2021
19	A letter dated 19.02.2020 sent by the undersigned by way of speed post regarding non-compliance of order No. CIC/NDMC/A/2018/112333.	No information sought.
20	Whether the letter dated 19.02.2020 sent by the undersigned received in the registry of Hon'ble CIC? Kindly clarify.	Yes. Letter dated 19.02.2020 received in the Commission vide diary No. 108843
21	If the answer to Q.No.20 is YES, Kindly provide Diary No.	Diary No. is 108843.
22	Whether show cause notice issued against Appeal No. CIC/NDMC/A/2018/112333.	There is no direction from the Commission for issuance the Show Cause Notice.
23	If the answer to Q.No.22 is YES, kindly provide copy of the same.	
24	If the answer to Q.No.22 is NO, kindly provide the reasons.	
25	Whether penalty imposed against Appeal File No. CIC/NDMC/A/2018/112333.	No penalty has been imposed yet.
26	If the answer to Q.No.25 is YES, kindly provide copy of the same.	
27	If the answer to Q.No.25 is NO, kindly provide the reason(s).	

II. Grounds for First Appeal:-

The appellant stated that CPIO vide letter No.CICOM/R/E/21/00044 dated 28.01.2021 failed to provide complete and correct information against Point Nos.15,18 & 19-27. The appellant requested FAA to direct PIO to provide point-wise complete and correct information as desired by him in his application dt.08.01.2021 against Point Nos.15, 18 & 19-27.

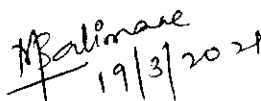
III. Decision with reasons:-

On perusal of the First Appeal petition, RTI application and reply given by the CPIO, it is observed that information given by Shri S.C.Sharma and Shri R.P.Grover, CPIOs is 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. Therefore, no intervention is required on behalf of the FAA in this matter.

IV. The appeal is being disposed of accordingly.

V. 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.


 (Meena Ballmane Sharma)
 First Appellate Authority
 Tel: 26162290

Dated – 19th March, 2021.

Copy to:-

1. CPIO, RTI Cell, CIC.
2. Shri S.C.Sharma, CPIO, CIC.
3. Shri R.P.Grover, CPIO, CIC