



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

CICOM/A/P/25/00087
CICOM/R/P/25/00143

Name of the Appellant: Mr. Anil Dutt Sharma

1.	Date of RTI application	11.03.2025
2.	Date of receipt of RTI application in RTI Cell of CIC	11.03.2025
3.	Date of reply of the RTI application	17.03.2025
4.	CPIO (s) who furnished reply	Sh. S.Anantharaman CPIO, (DR to IC VT)
5.	Date of First Appeal application	Nil
6.	Date of First Appeal application received in the office of FAA	02.04.2025
7.	Date of Decision	01.05.2025

1. Brief Facts of the case: -

The Appellant has attached details of with his RTI Application and sought the following information: -

“1.) – Provide me copy of complete File No. CIC/MCDND/A/2023/122936.

2.) - Provide me copy of 17 RTI Manuals of MCD and if transfer of RTI application under section 6 (3) within different departments/offices of MCD is legal, and then provide me copy of 17 RTI Manuals of each departments and offices of MCD. Whereby Ld. CIC Commissioner while discharging function under section 25 (1) (2) & (3) RTI Act has arrived at decision that the provisions of RTI Act is being provided subject to section 4 and preamble of RTI Act and preamble of RTI Act and therefore adverse view taken in the order/file
CIC/SDMCQ/C/2022/116944,
CIC/MCDND/A/2023/122936 and CIC/MCDND/A/2023/133633

by the Ld. CIC Commissioner is justified and therefore invocation of section 19 (8), 20 and 25 (5) RTI Act was not required.

3.) – Provide me copy of record from which CIC Commissioner has observed that the officers of MCD have discharged their duties as provided under office order no. 307/Addl Cm – I (SDMC)/2017 dated 12.12.2017 and 33/SE/B/HQ/2010 dated 09.06.2010 to the extent of Article 256 & 261 (2) of Constitution and therefore it has been presumed by Ld. CIC Commissioner that they are not involved in corruption and therefore, adverse view taken in the order/file CIC/SDMCQ/C/2022/116944, CIC/MCDND/A/2023/122936 and CIC/MCDND/A/2023/133633 by the Ld. CIC Commissioner is justified and therefore invocation of section 19 (8), 20 and 25 (5) RTI Act was not required.

4.) – Provide me information published by MCD by which it may be ensured that directions passed by Hon'ble High Court vide order dated 16.03.2018 in W.P. (C) 10461/2017 (file by the applicant) has been complied with and therefore adverse view taken in the order / file CIC/SDMCQ/C/2022/116944, CIC/MCDND/A/2023/122936 and CIC/MCDND/A/2023/133633 by the Ld. CIC Commissioner is justified and therefore invocation of section 19 (8), 20 and 25 (5) RTI Act was not required.

5.) – Provide me information which is freely access to information seekers whereby it may be presumed in terms of RTI preamble that MCD is free from corruption, sought information vide orders/files no. CIC/SDMCQ/C/2022/116944, CIC/MCDND/A/2023/122936 and CIC/MCDND/A/2023/133633 cannot be obtained/provided within prescribed period of RTI Act and therefore invocation of section 19 (8), 20 and 25 (5) RTI Act was not required.

6.) - Inform me about the power/law in exercise of that the RTI transferred under section 6 (3) RTI Act and PIO/ CPIO was accepted /considered as legal contrary to the CPIO Officer List Report available on the website of CIC at 1961, 2074, 2081, 2130, 2141, 2195 and 2199.

7.) – Provide me following information referred vide orders/files against the applicant subject to view taken by CIC Commissioner under section 19 (8), 20 and 25 (5) RTI Act in favour of MCD :

(a). Copy of all 90 RTI applications referred as appeals filed against same public Authority along with 17 Manuals published under section 4 RTI Act by the addressees of the RTI applications.

(b). Copy of all 90 RTI applications wherein the appellant had sought similar information.

8.) – Provide me information regarding functioning of MCD whereby the VISION of CIC mentioned on its website is being

achieved that “to play a dynamic role in ensuring effective and efficient participation of all the stakeholders as envisaged by the RTI Act, through exercise of powers conferred on, and by performing function assigned to the Central Information Commission in an accountable, responsive and transparent manner” and MISSION of CIC mentioned as its website that “Ensuring smoother and greater access to information envisaged under the RTI Act, 2005, to Indian citizens through a citizen – centric approach” if 17 Manuals of MCD on its website subject to preamble of RTI Act is not uploaded/ free access to public.

2. Reply of CPIO:-

Point1.) - Total number of pages 42, excluding the paper/communication received from you, will only be provided to you subject to payment of Rs. 2/- per copy as per Section 4 of RTI Rules 2012. Accordingly, you are advised to deposit Rs. 84/- (please see the file.)

2.) - CIC is not the custodian of RTI Manuals of MCD. Request to appropriate authorities in MCD may be made.

3.) No such record is available in the Registry concerned.

4. & 5.)- Does not qualify as information under Section 2 (f) of the RTI Act.

6.) – RTI Act, 2005 available in public domain may be consulted.

7.) – Copy of documents emanated from the appellant is not provided for the following reasons.

With regard to communication emanated from you and form part of the file, the extract of the Madras High Court order in W.P. No. 26781 of 2023 between CIC Vs B Bharathi is relevant to mention.....(please see the file.)

8.) - Does not qualify as information under Section 2(f) of the RTI Act.

3. Ground of First Appeal:-

Aggrieved with the reply of CPIO, the Appellant has filed First Appeal and stated that:

Sought Information by virtue of OM No. 20/10/23/2007-IR dated 09.07.2009 and subject to that if sought information is not provided, the Ld. CIC Commissioner Mr. Vinod Kumar Tiwari may face litigation, must be provided justifying by giving reasons for not accepting the grounds of appeals subject to section 5 (4) & 20 RTI Act etc.

Submission of PIO may be recorded in the purposed order otherwise he may lost opportunity of hearing at the stage of CIC.

The deposited fee for RTI application be returned from the salary of the PIO, punishment for harassment and wastage of time of the appellant may be entailed for him because the appellant cannot be punished for the fault of the PIO if sought information has not been maintained/provided/misconceived by the PIO.

4. Decision with reasons:-

The First Appeal, RTI application and reply given by CPIO of CIC have been perused. As per Section 2 (f) of the 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 collate information that is not a part of the record. Accordingly, the reply given by the CPIO is appropriate and as per provisions of the RTI Act, 2005. Hence, 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 – 01.05.2025

C. I. C. / के. सू. आ.	
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01 MAY 2025	
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Initials.....	Ray
Copy to:-	


Registrar & First Appellate Authority
Tel: 011-26105021

1. CPIO, RTI Cell, CIC, New Delhi for information.

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01/05/25

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