

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi – 110067
Tel: +91-11-26101592/26160943

No. CICOM/R/2016/00837/BS/000182

Date: 24/06/2016

To,
Shri Vijay Prakash Gupta
59/1, 3rd Floor, 1st N Block,
Rajajinagar, Bangalore,
Pin-560010

Subject: - RTI Application dated 14/06/2016, CIC dairy no. 147028 dated 21/06/2016.

Sir,

With reference to your RTI application dated 14/06/2016 it is to inform you that the records of the file no. CIC/CC/A/2014/000598/BS have been checked carefully, the available information is furnished as below:-

(iii) a= The final order in your appeal dated 19/04/2016 has been sent you by speed post on 27/04/2016.

The applicant has sought true certified copy of the order in second appeal no. CIC/CC/A/2014/000598/BS. In this respect it is for the information of the applicant that all the decision/orders are being uploaded on the CIC website i.e. www.cic.gov.in including those as mentioned in your RTI application. The applicant is also empowered to see all these orders on the website.

The information as sought is not admissible in terms of decision of CIC in the matter of *Mr. K. Lall vs. Mr. M.K. Bagri, Assistant Registrar of Companies & CPIO* in appeal no. CIC/AT/A/2007/00112 has held as under:

"9. It shall be interesting to examine this proposition. Section 2(j) of the RTI Act speaks of 'the right to information accessible under this Act which is held by or under the control of any public authority.....'. The use of the words 'accessible under this Act'; 'held by' and 'under the control of' are crucial in this regard. The inference from the text of this sub-section and, especially the three expressions quoted above, is that an information to which a citizen will have a right should be shown to be a) an information which is accessible under the RTI Act and b) that it is held or is under the control of a certain public authority. This should mean that unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act....."

Hence the information sought by the applicant is not permissible as per orders reproduced above.

(iii) b The applicant has sought duly authenticated/certified copy of the information submitted by the CPIO in compliance of the order dated 18/03/2016. In this respect, the records of the file no. CIC/CC/A/2014/000598/BS have been again checked carefully. There is no submission submitted by the CPIO Income Tax Department. Hence, the information cannot be supplied. However, the First Appellate Authority has submitted the submissions in compliance of Commission order dated 18/03/2016.

Note:- The applicant if he so desires can also inspect the records of the file no. CIC/CC/A/2014/000598/BS in this office with prior permission and during office hours on any working day.

In case you are not satisfied, you can appeal to the Appellate Authority of CIC. The details of the Appellate Authority are as follows:

Name : Smt. Achla Sinha
Designation: Additional Secretary & First Appellate Authority
Address : 2nd Floor, 'B' Wing
August Kranti Bhawan
Bhikaji Cama Place,
New Delhi -110066

(R L Gupta)
Dy. Registrar