

CENTRAL INFORMATION COMMISSION
2nd Floor, August Kranti Bhawan
Bhikji Cama Place, R K Puram
New Delhi – 110066
(Phone No.011 26105027)

No. CICOM-R-2017-00345-MP-0025

Date: 07/04/2017

To,

Dr. Samrat Sharma
94, Purvavali, Ganeshpur, Rurki,
Uttarakhand – 247 667

Subject: - Application U/S (6) of the Right to Information Act 2005

Sir,

With reference to your RTI application dated 30-03-2017 received vide diary no. 122242 dated 03-04-2017 and on RTI MIS on 06-04-2017

The records of the file CIC/RM/A/2014/002448-SA of the applicant has been perused carefully. This appeal of the applicant has been disposed of finally vide order dated 28-11-2016 and has been closed. The information as available on date is furnished as below.

- i. The e-mail and postal letter dated 30-11-2016 (the applicant has not mentioned the date of sending of e-mail and the addressee to whom it has been sent). Hence, no information on these communications can be supplied. Letter dated 29-11-2016 is available on the records of file.
- ii. There are Forty (40) pages in the submission submitted by the Respondents for which an amount of Rs. 80 @2 per page may be sent in favor of “**PAO (CAT), New Delhi to Nodal CPIO C.I.C, New Delhi**” regarding copies of his documents filed by the applicant, these documents filed by him are not admissible as per law laid down by the Hon’ble High Court of Delhi judgment in W P (c) No 26781/2013 in the matter of PIO High Court of Madras V/S CIC and B Bharathi. The relevant portion of the observation of the Hon’ble High Court is reproduced below: -

“26. Insofar as query (iv) is concerned, we fail to understand as to how the second respondent is entitled to justify his claim for seeking the copies of his complaints and appeals. It is needless to say that they are not the information available within the knowledge of the petitioner; on the other hand, admittedly, they are the documents of the second respondent himself, and therefore, if he does not have copies of the same, he has to blame himself and he cannot seek those details as a matter of right, thinking that the High Court will preserve his frivolous applications as treasures/valuable assets. Further, those documents cannot be brought under the definition "information" as defined under Section 2(f) of the RTI Act. Therefore, we reject the contention of the second respondent in this aspect.”

- iii. The letter dated 28-12-2016 is also available on the records of the file and no other information is available there.
- iv. The appeal of the applicant is disposed of finally by the Commission vide order date 22-11-2016. No other information is available on the records of the file.

However it is for the information of the applicant that there is no provision, under the RTI Act 2005 and the Rules made there under, for review of decision in an appeal/complaint.

The Hon'ble High Court of Delhi in WP(C) 5086/ 2010 Suhas Chakma V/s UOI & others order dated 18/11/2011 has held that a decision or an order once pronounced by the Commission shall be final, it is well settled that unless the power of review is vested statutorily, the court / authority has no inherent power of review [See – Patel Narshi Thakershi & others V/S Shri Pradyumansinghji Arjunsinghji, (1971) 3 SCC 844].

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 : Sh. R. K. Singh
Designation: Additional Secretary & First Appellate Authority
Address : 2nd Floor, 'B' Wing
August Kranti Bhawan
Bhikaji Cama Place,
New Delhi -110066

(R L Gupta)
CPIO / Dy. Registrar IC(MP)

Copy to:- 1 : Nodal CPIO, RTI-Cell CIC, New-Delhi for information.