

CENTRAL INFORMATION COMMISSION
4th Floor, Baba Gang Nath Marg,
Munirka, New Delhi - 110067
(Phone No.011 26105027)

No. CICOM-R-2017-50835-MP-123

Date: 18/12/2017

To,

Sh. Sagar,

R/o Ward No. 20, Near Phed,
Sadulshahar, Rajasthan-335062

Subject: - Application under of the Right to Information Act 2005

Sir,

With reference to your RTI application dated 14.12.2017, the available information is furnished as below:-

The applicant has sought copy of the decision in second appeal no. CIC/SH/A/2016/001261/MP. 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.

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 : 5th Floor,
'Baba Gang Nath Marg,
Munirka,
New Delhi -110067

R L Gupta)
Dy. Registrar

Copy to:

1. Nodal CPIO, CIC, New-Delhi-110067