

ORDER

Dated: 29/12/2020

- 843
- 1) This is an order on your RTI Appeal dated 05/10/2020 received on 12/10/2020, preferred against the response to your RTI Application dated 06/08/2020 which was disposed of by the CPIO vide reply no. IFCI/RTI/843/2020 dated 23/09/2020.
 - 2) The undersigned as FAA, after the receipt of the appeal, had seen the record of the RTI Application no.843 (as available with the CPIO) and it transpired that the CPIO after the receipt of your RTI Application had forwarded the RTI Application to the concerned dept. having the custody of the requisite information. The genesis of the perusal of the record is as under:-

The said Dept. had verified that the information sought vide query no.1 & 2 of the RTI Application 06/08/2020 had been available in the Profit & Loss statement for the year ended in the Annual Reports and the same is available in the website of IFCI Ltd. Further the information sought vide query no. 3 to 6 had not been maintained with the concerned dept. in the compiled form and the concerned dept. had further itself cited the provisions of Sec. 7(9) of the RTI Act that the collection & compilation of the said information would disproportionality divert the resources of the concerned dept. from the efficient discharge of its normal functions.

The CPIO on the basis of the information provided by the concerned dept. had disposed off the RTI Application and hence this appeal.

- 3) The undersigned, accordingly, had forwarded the copy of the appeal to the concerned dept. for providing the comments and on the basis of the comments and the grounds raised in the present appeal and the disposal of the present appeal is as under:-

The RTI Application was disposed off by the CPIO on the basis of the information provided by the concerned Dept. since the said dept. was having the custody of the relevant records. The concerned dept. had verified to the CPIO that the information was not available in the compiled form and invoked the provisions of the Sec 7(9) on the ground that the collection & compilation of the information would disproportionately divert the resources of the said dept.

However, the concerned dept., after the receipt of the appeal, had now provided the detailed information as sought by the Information seeker. It is not clear as to why the said information was not disclosed to the CPIO in the first instance and it is equally not clear why the concerned dept. had itself invoked the provision of Sec 7(9) of the RTI Act when the information was available with the said Dept.

आई एफ सी आई लिमिटेड

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As per my understanding, the RTI Act empowers the CPIO to seek assistance of any officer who is having the custody of the information and the said officer/dept. is bound to assist the CPIO and also required to provide the comments/information to the CPIO in order to enable him to decide whether the information can be disclosed or the same falls within the four corners of the exemptions as per the RTI Act, 2005. Further, in case, the said officer/dept. fails to provide the information or provides any information which is inconsistent with the information which exists of the records of the public authority, the said officer/dept. is liable as per the provisions of the RTI Act, 2005.

However, since the concerned dept. had now provided the information as per records, it would be prudent that the relevant information should be provided to the information seeker without further delay. Accordingly, the query wise response as per the RTI Application, on the basis of the information provided by the concerned dept., is being provided to you directly as **Annexure A**.

- 4) Further, the undersigned also acknowledges the receipt of the letter dated 22/12/2020. However, since the present appeal had been disposed off on the basis of the information provided by the concerned dept. having the custody of the information, the delay was unavoidable on the part of the undersigned. Further, the additional details sought, if any, is declined as the same cannot be sought at the appellate stage.
- 5) No further intervention is required from the First Appellate Authority. The appeal is disposed of accordingly.

In case the Appellant is not satisfied with this Order, he may, if so desired, prefer a second appeal within 90 days from this order with the following:

Central Information Commission,
CIC Bhawan, Baba Gangnath Marg,
Munirka, New Delhi - 110067
Phone No.: 011 2618 3053

Yours faithfully,

Sd/-
(अनामिका रानावत)
First Appellate Authority