

Central Information Commission, New Delhi
File No. CIC/SS/A/2013/002371/SH
Right to Information Act-2005-Under Section (19)

Date of hearing : 5th November 2014

Date of decision : 5th November 2014

Name of the Appellant : **Shri Sardar Ranjit Singh,**
Uttar Pradesh Congress Committee Vypar
Prakosht, Prantiya Karyalya, Nehru Bhava,
10, Mal Avenue, Lucknow, U.P.

Name of the Public Authority/Respondent : **Central Public Information Officer,**
Bharat Petroleum Corporation Ltd.,
Noida Regional Office, A-5 and 6 Sector -1,
Noida 201 301

The Appellant was present at the NIC Studio, Lucknow.

On behalf of the Respondents, Shri Nikhil Kumar Singh, CPIO was present at the NIC Studio, Lucknow.

Information Commissioner : **Shri Sharat Sabharwal**

This matter pertains to an RTI application dated 19.6.2012 filed by the Appellant, seeking information regarding action taken by the Respondents on the letters dated

25.8.2010 and 22.7.2011 from Smt. Kiran Agrawal regarding implementation of a court order. Not satisfied with the response of the Respondents, the Appellant filed second appeal dated 24.9.2013 to the CIC, which was received by the Commission on 7.10.2013.

2. The Appellant stated that Smt. Kiran Agrawal had two petrol pumps. Due to a dispute, the Respondents shut down one of them. Smt. Agrawal filed a case in the High Court and the Court ordered her to represent her case to the Respondents, which she did vide her letter dated 22.7.2011, but did not receive any reply from the Respondents. The RTI Application was filed in the above context. On being asked as to whether the Appellant has an authorisation letter from Smt. Kiran Agrawal to get information on her behalf, he stated that he has such authorisation. The Respondents, on the other hand, submitted that the Appellant has given them no such authorisation. At this point, the Appellant stated that he had filed the RTI application on behalf of the "Uttar Pradesh Congress Committee Vyapar Prakoshth" and Smt. Agrawal is a member of the above organisation. In this context, we note that paragraph 17 of the 'Guide on Right to Information Act, 2005', issued by the Department of Personnel & Training vide its Office Memorandum No. 1/4/2009-IR dated 5.10.2009 reads as follows:

“The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/ persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/ office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc.”

Thus, even though the RTI Application, made by the Appellant on the letterhead of the above organisation, was liable to be accepted as an application from him as a citizen, particularly since his name was clearly mentioned on the application, it did not entitle him to receive information on behalf of a third party, viz. Smt. Kiran Agrawal.

3. The Respondents stated that the Appellant had sought information concerning the same issue in an earlier RTI Application dated 5.4.2013. In his reply dated 10.5.2013, the CPIO denied the information under Section 8 (1) (e) of the RTI Act on the ground that it pertained to a matter concerning a third party. The Respondents further submitted that the RTI Application dated 19.6.2013 was not received by them.

4. Having considered the records, the submissions made by both the parties before us and taking into account what is stated in the preceding paragraphs, we note that the

Appellant is not entitled to receive the information sought by him in his RTI Application dated 19.6.2013. Therefore, intervention by the Commission is not considered necessary in this case.

5. With the above observations, the appeal is disposed of.

6. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar