



Central Information Commission
Room No. 306, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi-110066
Web: www.cic.gov.in

Case No. CIC/SM/A/2013/001020/SS

Dated: 24.4.2014

Name of the Appellant: Shri Dipak J. Gandhi
Name of the Public Authority: Supreme Court
Date of hearing: 24.4.2014

ORDER

1. The appellant was not present for the hearing. The respondent was represented by Ms. Asha Ahuja (AR) and Ms. Sania Husaini (Advocate).
2. The appellant filed an RTI application dated 19.1.2013 seeking information with regard to review and curative petitions filed in Hon'ble Supreme court from 1.7.2007 to 30.6.2008. The appellant sought to know the total no. of review petitions filed in the Supreme court for the afore said period and the no. of such petitions disposed off after hearing advocates in the open court. With regard to the curative petitions the appellant sought to know the total no. of curative petitions filed in the Supreme Court for the aforementioned period and the no. of such petitions admitted or dismissed and no. of such petitions disposed off after hearing the advocates in the open court and the no. of such petitions dismissed by circulation in chambers.
3. The CPIO replied vide letter dated 6.2.2013 and stated that the information sought is not maintained by the registry in the manner sought for by the appellant. However, the CPIO provided the information in the form it is

maintained. The CPIO has provided the no. of registered and disposed review & curative petitions for the year 2007 and 2008.

The appellant filed first appeal dated 9.3.2013 mainly on the grounds that if the record is not maintained in the manner sought, the Registry has to prepare the record in the format desired by the appellant. The first appellate authority disposed of the first appeal vide order dated 2.4.2013 upholding the CPIO's reply while relying on Judgement of the Hon'ble Supreme Court in the case of CBSE Vs Aditya Bandhopadhyay where it has been held that it is beyond the jurisdiction of the authority of CPIO to collate and collect non-existent information and to furnish it. The CPIO has specifically mentioned that the data is not maintained in the manner sought by the appellant. The appellant submits vide his written submissions that the information sought should be provided to him and has also relied on various CIC decisions.

4. The Commission has perused the said orders in file no. CIC/SM/A/2011/001791/SG/17637 & Appeal No. CIC/SM/A/2008/00347 and other decisions referred by the appellant. The Commission is of the view that the said decisions relied upon by the appellant do not support the contention of the appellant that if the information is not held on record, the public authority is bound to compile it as per the format of the applicant. The Commission is of the view that under the RTI Act the public authority is bound to provide information which is held on record. The respondent submits during the hearing that compiling this information would require opening every file and then compiling information. In view of these submissions section 7 (9) of the RTI Act is also applicable in the present case.

The appeal is disposed off accordingly.

Sushma Singh
Chief Information Commissioner

Authenticated True Copy:

D.C Singh
(Dy. Registrar)

1. Mrs. Smita Vats Sharma,
Additional Registrar & CPIO,
Supreme Court of India,
Tilak Marg,
New Delhi – 110001

2. Shri Sunil Thomas,
Registrar/First Appellate Authority,
Supreme Court of India,
Tilak Marg, New Delhi – 110001

3. Deepak Jayantilal Gandhi,
Shri Upasani Krupa, 6th floor,
20, Ajmal Road, Off Malaviya road,
Vile Parle(East), Mumbai - 400057