

Central Information Commission, New Delhi
File No.CIC/WB/A/2010/000267 & 00603-SM
Right to Information Act-2005-Under Section (19)

Date of hearing : **24 August 2011**

Date of decision : **24 August 2011**

Name of the Appellant : **Shri Ajay Kumar Aggarwal,**
F-1, Jangpura Extension,
New Delhi – 110 014.

Name of the Public Authority : **CPIO, Central Bureau of Investigation,**
Economic Officences Unit – 1,
7th Floor, Block 3, CGO Complex,
Lodi Road, New Delhi

The Appellant was present in person.

On behalf of the Respondent, the following were present:-

- (i) Shri Rajeev Sharma, DIG
- (ii) Shri ARun Kumar Srivastav, DLA
- (iii) Shri Keshav Mishra, SSP
- (iv) Shri M.K. Bhat, Sr. SP

2. The CBI had filed a representation before the Commission to dismiss this appeal on the ground that the Central Government, by a notification, had included the CBI in the Second Schedule to the Right to Information Act and, therefore, the provisions of the Act would not apply to the CBI. In order to decide on this representation of the CBI, a hearing had been fixed today in which both the parties were present and made their submissions. The Respondents representing the CBI reiterated the same argument and pleaded

that the appeals should be filed since the provisions of the Right to Information Act were no longer applicable to the CBI. They further informed that certain orders passed by the CIC recently on the question of whether the notification by the Central Government under Section 24(1) of the Right to Information Act would apply only prospectively or not had been stayed by the Delhi High Court.

3. The Appellant submitted that the appeals should be heard and the information provided because his request for information pre-dated the Government notification and, therefore, he had a right to get the information.

4. Be that as it may, whether the effect of the notification issued by the Central Government would apply even to a RTI-request made prior to the date of notification by the Central Government is now before the Delhi High Court for decision. It is also a fact that the orders passed by one of the Benches of the CIC to the effect that the above Central Government notification would not apply to cases where the request for information has been made earlier has since been stayed by the Delhi High Court. In our opinion, it would be prudent to await the decision of the High Court in the matter before we continue on this appeal. Therefore, the appeal be kept pending till the bunch of Writ Petitions pending before the Delhi High Court on this issue are finally disposed off.

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

(Annapurna Dixit)
Information Commissioner

(Deepak Sandhu)
Information Commissioner

(Satyananda Mishra)
Chief 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