



**Central Information Commission**

**Room No. 305, 2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhavan,**

**Bhikaji Cama Place, New Delhi-110066**

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**Case No. CIC/SS/A/2011/001726**

**Dated: 01.02.2012**

Name of Appellant : Shri Rajamani K  
Name of Respondent : Ministry of Commerce & Industry  
DGFT  
Date of Hearing : 30.01.2012

**ORDER**

Shri Rajamani K, the appellant has filed the present appeal dated 17.6.2011 before the Commission against Ministry of Commerce & Industry, Directorate General of Foreign Trade, New Delhi for not providing information of his RTI application dated 18.3.2011. The appellant was absent whereas the respondent were represented by Smt. Niranjana Kaur, Deputy Director General & CPIO, Shri Pramod Kumar, Development Officer and Shri Prem Nath, Assistant.

2. The appellant filed his RTI application dated 18.3.2011 seeking information on 11 points in respect of various queries regarding issue of licenses for import of marble rough block. In his second appeal filed before the Commission, the appellant is primarily aggrieved by the reply of CPIO, wherein in response to Point No. 10 of the RTI application – Whether any application is pending for the units who have done investment in other countries and awaiting the replies - the CPIO has replied that no application was pending with the DGFT. It is the contention of the appellant that application of M/s. Alliance Minerals Pvt. Ltd. (AMPL) which was filed online for getting permission to import of marbles was still pending disposal. Therefore, it is the contention of the appellant that the CPIO has given false information.

3. In a written submission filed during the hearing, the respondent submits that in fact the application of AMPL had been examined on file and the firm was asked to furnish certain information/clarifications.. Therefore, since the firm had been requested for certain information/clarification and the matter was not pending in DGFT, the reply to the query in the RTI application was that "*no application is pending*".

4. The grievance of the petitioner with regard to the reply of the CPIO on Point No. 10 of the RTI application was also raised by him in his appeal filed before the FAA. The FAA vide his decision dated 21.4.2011, directed the CPIO to examine the issue raised in the appeal and provide information to the appellant. Thereafter in compliance with the direction of the FAA, the CPIO vide letter dated 27.4.2011 informed the appellant that M/s. Alliance Minerals Pvt. Ltd (AMPL) have furnished the requisite information vide their letter dated 15.4.2011, which was under examination and decision taken in the matter would be communicated to the firm.

5. However, the appellant is not satisfied with the reply of the CPIO and in his second appeal filed before the Commission, it is the contention of the appellant that since the RTI request has been filed by him, the decision taken on the application of AMPL for import of marble should be communicated to him and not to the firm in question.

6. Having heard the respondent and perused the relevant documents on file, the Commission is of the view that the correct position in respect of the application filed by AMPL has been provided by the CPIO vide her letter dated 27.4.2011. The CPIO is only required to provide information as per record and she has done so vide her aforementioned letter by intimating the appellant that the matter was under examination. The reply to the appellant's query is, therefore, complete. The respondent CPIO has also rightly submitted, that the appellant was seeking third party information.

7. The Commission, therefore, is of the view that requisite information, as per record and permissible under the RTI Act, has been provided to the appellant by respondent. The Commission also observes that the appellant, in his RTI application, has sought reasons and justification for certain decisions taken by the respondent. However, the respondent can only provide information as per record which is held by or under the control of the public authority. There is no obligation on the part of the respondent to give reasons,

justification or clarifications and these cannot be termed as "information" as per the provisions of Section 2(f) of the RTI Act.

With these observations, the matter is disposed of on the part of the Commission.

**(Sushma Singh)**  
Information Commissioner

Authenticated true copy:

(K.K. Sharma)  
OSD & Deputy Registrar

Address of the parties:

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The CPIO,  
Ministry of Commerce & Industry,  
Directorate General of Foreign Trade,  
Udyog Bhavan,  
New Delhi-110001.

The First Appellate Authority,  
Ministry of Commerce & Industry,  
Directorate General of Foreign Trade,  
Udyog Bhavan,  
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