

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/BARCM/A/2018/128484

Manoj Krishna Tarale

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO, Bhabha Atomic Research  
Centre, Mumbai

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 17.02.2018	FA : 25.03.2018	SA : 04.05.2018
CPIO : 08.03.2018	FAO : 13.04.2018	Hearing: 25.11.2019

**ORDER**

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Bhabha Atomic Research Centre (BARC), Mumbai seeking information on seven points pertaining to the show cause issued to M/s SHES Air and Automation, Pune vide letter no. BARC/TSD/2017 dated 02.11.2017, including, inter-alia, (i) confirm whether the above notice was sent to the above stated recipient by the Head – TSD, BARC, (ii) confirm whether vide the above showcause notice the Head – TSD, BARC has expelled the above stated recipient in participating in the tenders of BARC.

2. The appellant filed a second appeal before the Commission on the ground that the CPIO did not provide information on the plea that the same is being sought by the appellant repeatedly, and hence, denied to provide the information again. The appellant contends that the said plea of the respondent is wrong, and information should have been provided by the CPIO. The appellant therefore requested the Commission to direct the respondent to provide information sought for.

**Hearing:**

3. The appellant Shri Manoj Krishna Tarale and the respondent Dr. R. Murgaiya, Chief Administrative Officer, CPIO, BARC attended the hearing through video conferencing.

4. The appellant submitted that no information has been provided to him by the respondent, on the plea that he seeking the same information repeatedly, and the information being sought has already been provided to him by the respondent. He submitted that the reasons for imposing ban on M/s SHES Air and Automation, Pune has not been intimated by the respondent, and hence the same was sought under the present RTI application.

5. The respondent submitted that the appellant has filed more than 50 RTI application seeking the same information from the respondent, which has already been provided to him earlier. He clarified that the appellant is seeking the reasons for imposing ban on M/s SHES Air and Automation, Pune. The same has already been mentioned in the show cause notice issued to M/s Shes Air And Automation, Pune. He added that the appellant is seeking information in the form of confirmation, regarding the action taken by the department, which does not constitute information as per Section 2(f) of the RTI Act. In

response to a query, the respondent admitted that the references of the letters through which information had been furnished earlier was inadvertently not mentioned in the reply to the RTI application dated 17.02.2018.

**Decision:**

6. The Commission, after hearing the submissions of both the parties and perusing the records, notes that the reply in response to the RTI application does not contain the references of the letters vide which the information sought for was furnished to the appellant earlier. The Commission, therefore, directs the respondent to revisit the RTI application and provide a revised reply to the appellant, as per the provision of the RTI Act, within a period of four weeks from the date of receipt of a copy of this order under intimation to the Commission.

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

8. Copy of the decision be provided free of cost to the parties.

Sd/-

**Sudhir Bhargava (सुधीर भार्गव)**

**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

दिनांक / Date 29.11.2019

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

S. S.Rohilla (एस. एस. रोहिल्ला)

Dy. Registrar (उप-पंजीयक)

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Addresses of the parties:

1. The Central Public Information Officer (CPIO),  
Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> floor, BARC, Trombay,  
Mumbai-400085
2. The First Appellate Authority (FAA)  
Bhabha Atomic Research Centre,  
Central Complex, 3<sup>rd</sup> floor, BARC, Trombay,  
Mumbai-400085
3. Shri Manoj Krishna Tarale

