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/2024/122400**

Shri. SHARAD S PENTE. ... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, ...प्रतिवादीगण /Respondent
Bhabha Atomic Research Centre

Date of Hearing	:	16.07.2025
Date of Decision	:	16.07.2025
Chief Information Commissioner	**:**	**Shri Heeralal Samariya**

Relevant facts emerging from appeal:

RTI application filed on	:	30.01.2024
PIO replied on	:	26.02.2024
First Appeal filed on	:	13.03.2024
First Appellate Order on	:	15.04.2024
2nd Appeal/complaint received on	:	15.07.2024

Information sought and background of the case:

The Appellant filed an RTI application dated 30.01.2024 seeking information on following points:-

"Actual total financial/ monetary expenses on legal litigations initiated by me (Sharad S Pente) against BARC/DAE/UoI before Hon'ble High Court at Bombay & Hon'ble Central Administrative Tribunal, Mumbai bench. Case details are, OA27/15, OA119/17, OA304/17, OA586/21, WP644/14, RPWST 31318/16, WP 8051-53/2019, and RPW 50-51/2021
Details required as per following:
1. Expenses on stationary & materials etc.
2. Expenses on travelling of office personnel.
3. Expenses on fees to advocates, with name of all advocate in each case/ matter.
4. Expenses on fees to advocates who also appeared on behalf of personal respondents, if any, with name of advocate in each case/ matter.
5. Expenses on salary paid to office personal who goes, to High Court/ Tribunal, on case listing dates.
6. Any other expense(s)/ allowance(s) which is/ are not mentioned above i.e. sr. no. 01 to 05."

The CPIO, Chief Administrative Officer (A) vide letter dated 26.02.2024 replied as under:-

"No such information in the manner sought by the Applicant is maintained as there is no procedural requirement to do so."

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 13.03.2024. The FAA, Acting Controller vide order dated 15.04.2024 replied as under:-

> *"6. As regards, Appellant's contention to provide the information as the information sought is of larger public interest. Point wise reply is furnished below:-*
> *L*
> *With respect to query no. 1: Expenses on Stationery & Material etc are not drawn with regards to a specific case, but for day to day use in the Section, therefore no record is maintained.*
> *ii. With respect to query no. 2: Expenses on travelling of office personnel includes public transport like*
> *bus, train, taxi, rickshaw and using official vehicles to commute and such expenses are not assigned to specific Court case as the officials visit court to attend various other cases also. Therefore, no record is maintained.*
> *With respect to query no. 3: Fees of Rs. 1,69,830/- was paid to Panel Counsels in the court cases initiated by the Applicant.*
> *iv. With respect to query no. 4: with respect to point 4 it is stated that Respondents mentioned by name*
> *by the Applicant in the said cases are in fact not attributed to the official in their personal capacity. They discharge their duties in official capacity. Hence, such Respondants were also represented by the Government Counsels.*
> *With respect to query no. 5: No separate record is maintained with respect to Expenses on salary paid to office personnel who goes, to High Court/Tribunal, on case listing dates. The employees were attending the aforesaid matters to perform the assigned duty.*
> *vi. With respect to query no. 6: information sought is vague in nature.*
> *7. It is further informed that PIO/Appellate Authority can provide only such information which is held by the PIO or under the control of any public authority. This is in consonance with the Hon'ble CIC decision dated 30.01.2017 and 03.03.2017 in the case of Shri S.G. Ray Vs. CPIO, Directorate General of Vigilance, Customs and Central Excise, New Delhi wherein Hon'ble CIC held that under the RTI Act, 2005 only such information as is available and existing and held by the Public Authority or is under control of the Public Authority can be provided. The PIO is not supposed to create information that is not part of the record.*
> *8. THEREFORE, I do not find any further scope for review or intervention on this appeal.*
> *9. AND NOW THEREFORE the appeal of Shri Sharad S Pente stands disposed of."*

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Written submission dated 09.07.2025 has been received from the CPIO reiterating the aforementioned facts and same has been taken on record for perusal

Facts emerging in Course of Hearing:

Appellant: Present through video-conferencing.

Respondent: Mr. Satnley M.K., Scientific officer 'F'- participated in the hearing through video-conferencing.

The Appellant stated that the relevant information as sought in the instant RTI Application has not been furnished to him till date.

The Respondent stated that the relevant information as available in their records has been duly provided to the Appellant. He stated that point-wise information has been furnished to the Appellant by the FAA.

Decision:
Upon perusal of records and submissions made during hearing, it is noted that the Appellant's queries had been appropriately answered by concerned PIO and FAA. It is noted that the FAA vide order dated 15.04.2024 has provided point-wise response to the queries raised by the Appellant in his instant RTI Application. Furthermore, written submission filed by the Respondent is comprehensive and self-explanatory. Commission notes that 'information' as defined in the section 2(f) of the Act, only refers to such material as is already available in the records of the public authority. Moreover, the RTI Act, 2005 does not cast an obligation upon the public authority, to create or collate such non-available information and then furnish it to an applicant. Hence, no further intervention of the Commission is required in the instant matter. The appeal is disposed off accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil