

## CENTRAL INFORMATION COMMISSION

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

File No. CIC/CC/C/2015/000113/KY

Appellant : Shri Shahjad Ali Khan  
RTI Activist, Faizganj, Rafatpur Road  
Front of Ustad Welding, PS-Mugalpura, Moradabad  
Uttar Pradesh

Public Authority : The CPIO  
Ministry Of Textiles  
Export Promotion Council for Handicrafts, EPCH House,  
Pocket 6&7, Sector C, Local Shopping Complex, Opp DPS, Vasant  
Kunj, New Delhi-110070

The CPIO  
M/o. Textiles  
E-Wing, Udyog Bhawan, New Delhi-110011

Date of Hearing : 15.09.2016  
Date of Decision : 15.09.2016

### Presence:

Appellant : Shri Shahjad Ali Khan  
CPIO : Shri Subhiksh Vasudev, Learned Advocate

### FACTS:

- I. Vide RTI application dated **17.11.2014**, the applicant sought information on **9 issues**.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA) order is not on record.
- V. Grounds for the Second Appeal filed on **14.01.2015**, are contained in the Memorandum of Appeal.

### HEARING

Appellant as well as respondent appeared before the Commission personally and made the submissions at length.

## **DECISION**

At the outset, it is stated here that as per the contents of the so called complaint, **it is a case of second appeal**. However, the Central Registry registered it **wrongly as a complaint for the reasons best known to them**. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **17.11.2014**, sought information from the respondents on **9 issues**. However, respondents **failed to furnish** any response to the appellant. Being aggrieved with the aforesaid PIO's **inaction**, appellant filed his FA on **19.12.2014** before FAA, who **could not take up** the same for its disposal **for the reasons best known to him**. Hence, a Second Appeal before this Commission.
3. During hearing of the case, it is submitted by Shri Subhiksh Vasudev, Learned Advocate, that Hon. CIC's earlier order dated 11.10.2011 bearing no. CIC/LS/A/2011/002022 passed by then Shri M L Sharma, Hon. Central Information Commissioner, decided that the Export Promotion Council for Handicrafts falls within the four corners of **Public Authority** as defined under **Section 2(h) of the RTI Act 2005**.
4. It is further submitted by Shri Subhiksh Vasudev, RTI Act 2005, is not applicable to the respondent's Council i.e. Plastics Export Promotion Council. Further, respondents have challenged the Hon. CIC's earlier dated 11.10.2011, before Hon. Delhi High Court, bearing no. W.P.(C) 8747/2011 & W.P.(C) 9091/2011 namely Export Promotion Council for Handicrafts vs. Aashish Wadhawan, who vide his interim order dated 19.12.2011 has stayed the same, which was later on made absolute vide Hon. Delhi High Court's subsequent order dated 18.05.2012. It is also submitted by Shri Subhiksh Vasudev, the next date of hearing before Hon. Delhi High Court is 01.12.2016. To substantiate his version he also produced Hon. Delhi High Court's order dated 03.08.2016.
5. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **17.11.2014**, other material made available on record and also the grounds of memorandum of second appeal.
6. In view of the position above and in the circumstance of the case, the Commission feels that it would be appropriate and even justified to **abate** the present case till final hearing of Hon. Delhi High Court (as mentioned above in preceding Para no. 2). In case, if Hon. Delhi High Court has disposed of the case in favor of "Export Promotion

Council for Handicrafts” then “Export Promotion Council for Handicrafts” will be exempted under Section 2(h) of the RTI Act 2005, otherwise, the present will be re-opened if complaint will move a simple application in this regard. With these observations, the captioned case is hereby **abated**.

The Appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

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Ministry Of Textiles

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