

**BEFORE SHRI G.S. YADAV, JOINT SECRETARY & LEGAL ADVISER
AND FIRST APPELLATE AUTHORITY (NOTARY)**

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, ROOM NO.
406-B 'A' WING, SHASTRI BHAWAN, NEW DELHI-110001

Appeal No. 35/JS&LA(GSY)/NC/RTI/2016

IN THE MATTER OF:

Sh. Prashant Kakade,
A-101, Lotus, Maitree Garden,
Pokharan Road No. 2, Next to Oswal park,
Thane (West) – 400601.

- Appellant

Versus

Central Public Information Officer (NC)
Ministry of Law & Justice
Department of Legal Affairs
R.No. 433(A), Shastri Bhawan,
New Delhi – 110001

- Respondent

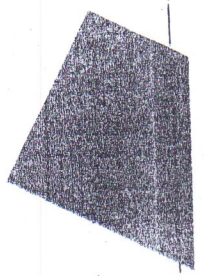
ORDER

Date: 19.09.2016

Being dis-satisfied with the decision of CPIO dated 19.07.2016 with respect to appellant's application dated 28.6.2016 under the provision of RTI Act, present appeal has been preferred, received in this office on 18.8.2016.

2. Notices were issued to the respective parties and in response thereof, CPIO is present in person whereas the appellant has neither turned up nor made any submission by any mode, hence, the present appeal is being disposed of basing upon the material available on record and after hearing the CPIO.

3. It has been stated by the CPIO that with respect to appellant's aforesaid



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the aforesaid reply of the CPIO which is available on record. During the course of discussion, CPIO has placed a letter dated 29.7.2016 of the concerned notary wherein notary has stated that it is a very old record and as on date is not available. Moreover, notary has also commented that provisions of RTI Act are not applicable to the notary.

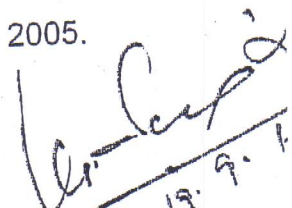
4. Considering the object of the RTI Act and provisions made therein, there is no reason or rhyme for me to agree with the views of the notary concerned. Moreover, the CPIO has also not mentioned in his reply dated 19.7.2016 to approach the notary.

5. In view of foregoing on merits, appeal deserves to be allowed and the same is allowed accordingly.

6. CPIO is directed either to call for an explanation or in person notary concerned and ask him to make available the information as sought by the appellant. In case the notary shows his inability, action as required under Notaries Act may be initiated against him.

6. In case, the Appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 within the time period as prescribed under the provisions of RTI Act, 2005.

The parties are informed accordingly.


19.9.16

(G.S. Yadav)

Joint Secretary & Legal Adviser And
First Appellate Authority
Tel. No. 23384630

1. Sh. Prashant Kakade, A-101, Lotus, Maitree Garden, Pokharan Road No. 2, Next to Oswal park, Thane (West) - 400601.

2. DLA/CA & CPIO (NC), Department of Legal Affairs, M/o Law & Justice, August Kranti Bhawan, New Delhi - 110001 (along with copy of 1st Appeal).