

केन्द्रीय सूचना आयोग
Central Information Commission

2 तल, विंग 'ब' / 2nd Floor, 'B' Wing
अगस्त क्रान्ति भवन / August Kranti Bhavan
भीकाजी कामा प्लेस/ Bhikaji Cama Place
नई दिल्ली - 110066 / New Delhi - 110066

website: www.cic.gov.in

Nos. **CIC/AT/C/2008/00145 & 268;**
CIC/AT/A/2008/00365; and
CIC/AT/C/2007/00077

Dated: 3.9.2008

Subject: Notice for Full Bench Hearing scheduled for 17.10.2008 at 4.00 P.M.

WHEREAS the following appeals / complaints were received in the Commission, under section 18 & 19 of the RTI Act, against the Official Liquidators:

	Appellant/Complaint	Respondents	Case No.
1.	Shri Bal Krishan Gupta, Nazibabad	Official Liquidator, High Court , Delhi	CIC/AT/C/2008/00145
2.	Shri C.L. Saraiya, Mumbai	Official Liquidator, High Court, Bombay	CIC/AT/C/2008/00268
3.	Shri Jugal Kishore Ekka, Kolkata	Official Liquidator, High Court, Kolkata	CIC/AT/A/2008/00365

AND WHEREAS the Single Bench heard i) the 2nd appeal of Shri Jugal Kumar Ekka (No. CIC/AT/A/2008/00365) on 16.7.2008 and the interim orders were issued on 21.7.2008; ii) the complaint filed by Shri B. K. Gupt (No. CIC/AT/C/2008/00145) on 22.7.2008 and the matter was adjourned.

AND WHEREAS Shri C.L. Saraiya, Mumbai filed a complaint (Case No. CIC/AT/C/2008/00268) regarding non-compliance of Commission's order dated 25.3.2008 in his appeal case No. CIC/AT/A/7/2007/1215 wherein the matter was remitted to the 1st Appellate Authority for disposal of appeal within 4 week and according to Shri Saraiya no appeal was disposed of by AA till then.

AND WHEREAS the Commission vide order dt. 20.6.2007 in Case No. CIC/AT/C/2007/00077 had imposed a penalty of Rs. 25,000/- on Shri P. Rama Rao, Official Liquidator and subsequently, on receipt of a representation from him, the penalty order was stayed.

AND WHEREAS upon perusing the documents and hearing the respondents, it was felt that a determination is to be made whether the Office of Official Liquidators are independent 'Public Authorities' under Section 2(h) of the RTI Act, 2005, especially in view of the direct control over them exercised by the respective High Courts. As the issue is important from the legal point of view, it was decided that the appeal be heard by a Larger Bench of the Commission.

Continued:

AND WHEREAS the Commission has also decided that the Registrars of Mumbai High Court; Delhi High Court; and Kolkata High Court; and Ministry of Corporate Affairs be requested and notified accordingly to depute a senior officer from their departments to attend the hearing and to file their written submissions on the issue. All these written submissions addressed to the Commission should reach the Commission **on or before 6.10.2008**.

Under the directions of the Commission copy of this notice is also placed on the website of the Commission viz. www.cic.gov.in with a request that the interested parties including Corporate Law Houses may make their submissions to help and assist the Commission to arrive at a just decision.

The matter will be heard by Full Bench on **October 17, 2008** at **4:00 P.M.** and all concerned are requested to appear before the Commission in the Court Room No. 308 of the Commission at the above address, with relevant documents on **October 17, 2008** at **4:00 P.M.** for hearing.

(D.C. Singh)
Assistant Registrar
Telefax : 26186535
e-mail: dc.singh@nic.in

1. The Secretary, Ministry of Corporate Affairs, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110001.
2. The Registrar, High Court of Delhi, Sher Shah Road, New Delhi -110 003
3. The Registrar, High Court of Bombay, Church Gate, Mumbai – 400 032.
4. The Registrar, High Court of Kolkata, Kolkata
5. Shri Sanjay Yadav, CPIO, O/o Official Liquidator, High Court of Delhi, A2,W2, Curzon Road Barracks, Kasturba Gandhi Marg, New Delhi-110001
6. Shri P. Rama Rao, Official Liquidator & AA, High Court Bombay, Bank of India Building, 5th Floor, M.G. Road, Mumbai- 400 023.
7. Shri P.K. Acharjee, Official Liquidator & AA, High Court Kolkata, 9, Old Post Office Street, 5th Floor Kolkata – 700 001.
8. Shri B. Mishra, CPIO O/o Official Liquidator, High Court Kolkata, 9, Old Post Office Street, 5th Floor Kolkata – 700 001.
9. Shri Bal Krishan Gupta, S/o Late Sh. Anand Prakash Gupta, Anand Bhavan, Moh-Makbara, Ajmal Khan Marg, Nazibabad -246763 (U.P.) **(Complainant)**
10. Shri C.L. Saraiya, 16, Govind Niwas, Kalina, Santacruz(East),Mumbai – 400 098 **(Complainant)**
11. Shri Jugal Kishore Ekka, Flat No. 1 B, 17/1, Jogendra Garden, Kolkata-700 078 **(Appellant)**
12. Smt. Namita Kumar, 31 Vardan Apartment, 64, I.P.Extension, New Delhi-110092 **(Complainant)**

Copy to: i) SO to CIC ii) PPS to IC(A) iii) PPS to IC(T)
iv) JS (Law) & Registrar

CC to: Shri Paul, Senior Scientist, NIC with a request that the above notice be appropriately uploaded in the Commission's website inviting the comments of interested parties including Corporate Law Houses.