

Online RTI Appeal Form Details

RTI Appeal Details :-

RTI Appeal Registraon number	DOA&C/A/E/20/00041
Public Authority	Department of Agriculture, Cooperaon & F armers Welfare

Personal Details of Appellant:-

Request Registraon Number	DOA&C/R/2019/51609/1
Request Registraon Date	01/11/2019
Name	Venkatesh Nayak
Gender	Male
Address	55A, 3rd Floor , Siddharth Chambers-1, Kalu Sarai, New Delhi
Pincode	110016
Country	India
State	Delhi
Status	Urban
Educaonal Status	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9871050555
Email-ID	venkateshnayak[dot]ss[at]gmail[dot]com

Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	No Response Within the Time Limit
CPIO of Public Authority approached	Binod Giri (Coopn.)
CPIO's Order/Decision Number	Details not provided
CPIO's Order/Decision Date	

(Description of Information sought (upto 500 characters))

<p>Prayer or Relief Sought</p> <p>Prayers:</p> <p>This Honourable Appellate Authority may be pleased to:</p> <ol style="list-style-type: none"> 1) admit this appeal after condoning the delayed submission and inquire into the matters raised herein, and 2) direct the CPIO to requisition the information from NAFED and furnish the same to this Appellant free of charge. <p>Grounds:</p> <p>1) The instant RTI application (pages 1-2 of the attachment) originally registered with this Dept. as DOA&C/R/2019/51609 came to be forwarded to the CPIO Shri Binod Giri, Assistant Commissioner (MPS). The said CPIO sent this Appellant a copy of his communication (pages 3-4 of the attachment) addressed to NAFED treating it as third party under Section 11 of the RTI Act and seeking its comments about disclosure of the requested information. This Appellant has not received any further reply from the CPIO till date. As on date the status of the said RTI application on the RTI Online Facility is</p>

shown as- disposed.

2) In response to another RTI applicaon filed by this Appellant which stood transferred to this Dept. by the Dept. of Revenue via Central Board of Direct Taxes, another CPIO of this Dept. transferred it further to NAFED. NAFED has since replied that it does not concede that it is a public authority under the RTI Act (page 5 of the attachment).

3) According to Section 11 of the RTI Act a CPIO is mandated to give his decision on an RTI applicaon within 40 days after observing the procedures laid down. More than 2.5 months have lapsed since the CPIO sought comments from NAFED. This Appellant elected to wait until now under the expectation that the process of decision making on the instant RTI applicaon might be taking longer than usual due to the busy nature of this Dept. and NAFED. However, now this Appellant has reason to believe that NAFED might not have responded to the notice of the CPIO as it does not even concede that it is a public authority under the RTI Act. This Appellant is not prepared to wait any further for the reply of the CPIO. So the delayed submission of this appeal may please be condoned as this Appellant is not at fault for reasons stated above.

2) Further according to Section 2(f) of the RTI Act, the definition of the term- information includes such information that a public authority may access from a private entity under any other law in force. In the matter of CPIO, Supreme Court of India vs Subhash Chandra Agarwal (Civil Appeal no. 10044 of 2010, judgement dated 13/11/2019), a Constitution Bench of the Honourable Supreme Court of India has ruled that a citizen is entitled to receive such information under Section 2(j) of the Act. Due to the word limit, paras 17-19 of this judgement where the Apex Court has elucidated this position are not being reproduced here. The CPIO is duty bound to requisition the information from NAFED and furnish it to this Appellant free as per Section 7(6) of the RTI Act.

Hence the submission of this appeal to this Honourable Appellate Authority.

Supporting document *(only pdf upto 1 MB)*



[Print](#)

[Close](#)



Select Language: English ▼

Public Authorities Available

RTI Online

Version 2.0
An Initiative of Department of Personnel & Training, Government of India

[Home](#) [Submit Request](#) [Submit First Appeal](#) [View Status](#) [User Manual](#) [FAQ](#) [Feedback](#)

Your RTI Appeal filed successfully.

Please note down the details of registration.

Registration Number	DOA&C/A/E/20/00041
Name	Venkatesh Nayak
Date of Filing	30-01-2020
Appeal filed with	Department of Agriculture, Cooperation & Farmers Welfare
Contact Details	
Telephone Number	011-23382714
Email Id	a.chaudhary14@nic.in

[Save](#)

[Print](#)

[Print Application](#)

[Home](#) | [National Portal of India](#) | [Complaint & Second Appeal to CIC](#) | [FAQ](#)

Copyright © 2013. All rights reserved. Designed, Developed and Hosted by National Informatics Centre, New Delhi

Online RTI Request Form Details

RTI Request Details :-

RTI Request Registration number	DOA&C/R/2019/51609
Public Authority	Department of Agriculture, Cooperation & Farmers Welfare

Personal Details of RTI Applicant:-

Name	Venkatesh Nayak
Gender	Male
Address	55A, 3rd Floor , Siddharth Chambers-1, Kalu Sarai, New Delhi
Pincode	110016
Country	India
State	Delhi
Status	Urban
Educational Status	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9871050555
Email-ID	venkateshnayak[dot]ss[at]gmail[dot]com

Request Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

Description of Information Sought
<p>Apropos the coming into force of the Jammu and Kashmir Reorganisation Act, 2019, on the appointed day, i.e., 31st October, 2019, vide Section 2(a) of the said Act read with S.O. No. 2889(E) notified in The Gazette of India (Extraordinary) Part II, Section 3, sub-Section (ii) dated 09/08/2019, I would like to obtain the following information under the RTI Act, 2005:</p> <ol style="list-style-type: none"> 1) A clear photocopy of the Market Intervention Scheme for Apples of Jammu and Kashmir approved by your public authority for the current season, 2) The Block-wise number of apple growers estimated to be covered by the aforementioned Market Intervention Scheme during the current season, 3) The name and designation of members serving on the State Level Price Fixation Committee constituted as on date, 4) The respective prices fixed by the said Committee for the procurement of Grades A, B and C apples during the current season, 5) The respective prices fixed by the said Committee for incidental expenditure incurred on account of apple procurement such as packaging, transportation, storage and labour charges, 6) The daily, weekly and monthly targets fixed for the purpose of direct procurement of apples from growers in Jammu and Kashmir for the current season, 7) The Block-wise quantity of Grades A, B and C apples procured from growers during the current season as on date. Please provide procurement figures for each Grade, 8) The Block-wise number of apple growers whose details have been obtained through KYC, Aadhar and voter identity cards for the purpose of making payments as on date,

9) The Block-wise number of apple growers to whom payments have been made in lieu of procurement of apples during the current season along with the total amount of such payments made as on date,

10) The total amount of funds disbursed under the Market Intervention Scheme for Apples of Jammu and Kashmir till date, and

11) The Block-wise quantity of apples of Grades A, B and C that have rotted or gone waste as on date.

If any information described above is not held in material form in your office:

a) kindly call for such information from the concerned public authority in the Union Territory administration of J&K as the said information is currently under your control as per Section 2(j) of the RTI Act, 2005 read with S.O. No. 3937(E) published in Part II, Section 3, sub-Section (ii) of The Gazette of India on the appointed day, or

b) transfer the relevant portion of the instant RTI application to the concerned public authority as per Section 6(3) of the RTI Act.

I am unable to submit this RTI application directly to the concerned public authority in J&K because this RTI Online Facility has not been extended to the UT administration and also because postal services continue to remain disrupted in the UT.

Concerned CPIO	Nodal Officer
Supporting document <i>(only pdf upto 1 MB)</i>	Supporting document not provided

[Print](#)

[Close](#)

F.No. L-15018/2/2019-MPS (71839)
Government of India
Ministry of Agriculture and Farmers Welfare
Deptt. of Agriculture, Cooperation and Farmers Welfare
Cooperation Division

Krishi Bhawan, New Delhi
Dated the 11th November, 2019

To,

The Managing Director,
NAFED,
NAFED House,
Siddhartha Enclave, Ashram Chowk
New Delhi.

Subject: Information sought under RTI regarding procurement of Apple in Jammu & Kashmir- regarding.

Sir,

I am directed to enclose herewith three RTI applications submitted vide RTI application no. DOA&C/R/2019/51369 dated 02.10.2019 by Shri S.P. Sharma, DOA&C/R/2019/51386 dated 04.10.2019 by Ms Pratibha Singh and DOA&C/R/2019/51609/1 dated 01.11.2019 by Shri Venkatesh Nayak seeking information under RTI Act, 2005 on the above mentioned subject.

2. As per the provisions related to "Third party information", mentioned at Section 11 (1) of the Right to Information Act (RTI), 2005, the following is stipulated:-

"Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party."

3. NAFED, being the Central Nodal agency for the procurement of Apple in Jammu & Kashmir and the custodian of the above information, is requested to provide its comments under Section 11(1) being third party, whether, the information sought for by the above said RTI applicants vide their applications (copy enclosed) for procurement of apples in Jammu & Kashmir be forwarded to them or not? If, the above sought information may be provided to them, NAFED is requested to provide the same for onward forwarding to RTI Applicants.

Encls: As above.

Yours sincerely,



(Binod Giri)

Assistant Commissioner (MPS) & CPIO

Tel. No. 23388795

Copy to:-

1. Shri Venkatesh Nayak, 55A, 3rd Floor, Siddhartha Chambers-I, Kalu Sarai, New Delhi – 110016.
2. Shri S.P. Sharma, 46-C, Sector B/C, Gandhi Nagar, Jammu-180004.
3. Smt. Pratibha Singh, Noida, FC 10, 11 DB Corp Building, Filmcity, Sector-16A, Noida-201301.
4. Section Officer (RTI), DAC&FW, Krishi Bhawan, New Delhi.



NAFED
60 Years in Service

HO/LC/RTI/Letter/2019-20/ 10699

Dt.24.01.2020

Registered

✓ Sh. Venkatesh Nayak,
55A, 3rd Floor,
Siddharth Chambers-1,
Kalu Sarai,
New Delhi – 110 016

Sub: Information sought under RTI Act

Sir,


Please refer to your RTI application dated 26.12.2019 received from Sh.Jayanti Kala, Deputy Secretary & CPIO, Ministry of consumer affairs food and public distribution, Krishi Bhawan, New Delhi - 110001 on the above subject to Nafed for seeking information under RTI ACT 2005.

In this regard, it is informed that vide order in LPA No 429/2010 dated 05.07.2010 Hon'ble High Court of Delhi had stayed the impugned order dated 14.05.2010 of the Single Bench of Hon'ble High Court of Delhi as well as the order of the CIC dated 09.09.2008 where-by Nafed was held as Public Authority under RTI Act. There-fore, presently Nafed is not covered under the RTI Act.

No further correspondence in this regard will be entertained.

Thanking you,

Yours faithfully,


(Anurag Tiwari)
Manager(TU/L)

CC: 1. Sh.Jayanti Kala, Deputy Secretary & CPIO, Ministry of consumer affairs food and public distribution, Krishi Bhawan, New Delhi – 110001.