

No.13/10/2007-IR  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi  
Dated: the 29<sup>th</sup> April, 2008

To

1. Central Information Commission,  
August Kranti Bhawan,  
Bhikaji Cama Place,  
New Delhi
2. All the State Information Commissions

Subject: Special Civil Application No.23305 of 2007 – Ahmedabad  
Education Society & Another Vs. UOI & Ors.

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Sir,

I am directed to bring following observations made by the High Court of Gujarat in the matter of Ahmedabad Education Society & Another V/s UOI & Others [Special Civil Application No.23305 of 2007] to the notice of the Central Information Commission and all the State Information Commissions:

“As per Section 18, the complaint can be preferred before the State Information Commission and Chief Information Commissioner can initiate an inquiry and can impose penalty as per Section 20 of the Act, 2005. While holding inquiry, as per Section 18(3) of the Act, 2005, State Chief Information Commissioner has been clothed with powers of the Civil Court under the Code of Civil Procedure, 1908, in respect of summoning and enforcing the attendance of persons and compel them to give oral and written evidence on oath, requiring the discovery and inspection of documents; receiving evidence on affidavit; requisitioning any public record or copies thereof from any court or office. But so far as refund of fees is concerned, it is a matter to be decided by the Civil Court of competent jurisdiction under Code of Civil Procedure, 1907.

State Chief Information Commissioner has no power, jurisdiction and authority under the Act, 2005, to pass an order of refund of the fees.”

Yours faithfully,

A handwritten signature in black ink, appearing to be 'K.G. Verma', written in a cursive style.

(K.G. Verma)

Director

Tele: 23092158

Copy to: All the Chief Secretaries of all the States/UTs