File nos.: (As per annexure)

In the matter of:
Nikhil Kumar Singh

...Appellant

VS

1. Central Public Information Officer
   Central Board of Secondary Education
   Shiksha Kendra, 2, Community Centre,
   Preet Vihar, Delhi – 110 092
   &

2. CPIO & Dy. Secretary
   Central Board of Secondary Education
   Regional Office, Ambika Complex,
   Behind State Bank Colony, Brahmshtan
   Sheikhpura Rajabazar Bailey Road,
   Patna – 800 014
   &

3. CPIO/ Asst. Secretary (Personnel)
   Central Board of Secondary Education
   Shiksha Kendra, 2, Community Centre,
   Preet Vihar, Delhi – 110 092
   &

4. Central Public Information Officer
   Central Board of Secondary Education
   Regional Office, P.S. Institutional Area,
   I.P. Extension, Patparganj, Delhi – 110 092

... Respondents
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<th>Date of RTI application</th>
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The following were present:

**Appellant:** Present in person

**Respondent:** 1. Smt. Satpal Kaur, Assistant Secretary and CPIO present in person. 2. Smt. Seema Khakha, Assistant Secretary and CPIO present in person. 3. Shri Suresh Kumar, Assistant Secretary and CPIO, CBSE Patna, present over VC 4. Shri Radhakrishan Balani, Assistant Secretary, R.O, Delhi, present in person

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

*Note: The above listed cases of the appellant were clubbed together, as these are frivolous RTI applications involving similar issues. For the sake of brevity, cases were clubbed and adjudicated by a common order.*

**Information Sought:**

1. CIC/CBSED/A/2018/109282

The appellant has sought the following information:

1. Copy of the list of teachers with the name of their school, who have been issued certificates in the year 2015 by CBSE Regional Office Patna.

2. Copy of the list of the Officers who nominated those teachers and copy of the Rules under which they were nominated.

3. And other related information.

**Submissions made by Appellant and Respondent during Hearing:**

The appellant submitted that he is not satisfied with the reply. He further submitted that the Principal of the School received the CBSE Teachers award, who was not involved in teaching duty. He further submitted that the concerned person was absent from duty for 1078 days. He submitted that it is in public interest that such biasness should be out in the open. He further stated that his complaints relating to the issues were not taken into cognizance by the CBSE authorities. Hence, he filed RTI the application to know the status. He further submitted that it is his human rights violation, that despite being absent from duty the said person was given Teachers award. He further
submitted that for being eligible to receive the award, 15 years teaching experience is required, which was not followed.

Smt. Satpalkaur, Assistant Secretary and the CPIO reiterated the contents of the reply dated 14.11.2017. She further relied on the FAA’s order for the reply in respect of points no. 3 and 4. She submitted that there are search committees at the regional level and the recommendation of the School Principal are considered while taking decisions for nominating candidates for the award. On the basis of the recommendations, the second committee is formed. She further submitted that the appellant’s grievance is beyond the purview of the RTI Act.

She further submits that u/s 2(f) of the RTI Act they can give only information which is available. The list of teachers with the name of their school, who have been issued certificates in the year 2015 were given certificates only once in compliance with MHRD order, and those records were not maintained. She also relied on a decision of the earlier bench of the Commission dated 22.02.2017 in case no. CIC/RM/A/2014/004079, of the present appellant. The relevant paras of the order are as follows:

“1. Shri Nikhil Kumar Singh, the appellant, sought information/documents relating to the affiliation of DAV Public School, BSEB, New Punaichak, Patna, with reference to the process followed for the selection of the committee constituted in view of Manual of Rules and Regulations Chapter IV, Section 1 – Committees of the Board, 1.v and iv, page 24 and the documents mentioned in case no. 4503/957/2011/338266 dated 13/14.9.2011, etc. through 2 points.

2. The CPIO provided a point wise response, denying information on point 2 as the information related to some other applicant who had been already given information. Dissatisfied, the appellant approached the first appellate authority stating that he had not been given the documents sought. The FAA stated that the appellant had personally gone to the office of the Board on 28.4.2014 and seen the relevant file of the school and identified documents which had been provided to him vide letter dated 6.5.2014. Not quite satisfied, the appellant came in appeal before the Commission requesting that the information should be provided free of cost.

3. The matter was heard by the Commission. The appellant stated that he had sought information regarding the affiliation of the school in question and the documents related to the inspection report. He added that the school affiliation had been cancelled and he did not want any further information in the matter.
4. The respondent stated that the appellant had already seen the relevant file and been given the documents identified by him while adding that the appellant and his spouse had made more than 6,000 applications on similar matters which have resulted in avoidable diversion of manpower resources in responding to unprecedented number of applications received from the appellant and his spouse.

5. In view of the above position, the Commission does not find any need to intervene in the matter. The Commission, however, advises the appellant to use the RTI Act in a responsible manner. The Hon’ble Supreme Court in the matter of CBSE vs Aditya Bandopadhyay has observed as follows:-

“37. The right to information is a cherished right. .... Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.

6. In view of the above, the appeal is disposed of.”

She further relied on a decision of the earlier bench of the Commission dated 27.12.2016 in case no. CIC/SA/A/2015/002026 of the same appellant. The relevant paras of the order are as follows:

3. The appellant is seeking details of winners of National Award, Ms. Neelam Tripathi, TGT Sanskrit. The appellant filed 3 RTI applications seeking the same information. The public authority provided rules, procedure that confirmed she fulfilled all requirements necessary for the criteria.

4. The Commission directs respondent authority to trace out merits, qualification, experience and eligibility of National Teacher awardee that can be placed in public domain so that the merit is encouraged and also provide information to others who
want to know such information, this will only help in avoiding unnecessary RTI applications. The Commission also directs that citations shall be put in public domain.

5. Third party information like ACRs, service books cannot be given. The officer stated that the appellant filed more than 100 RTI applications in Patna. 6 officers represented that his RTIs are almost choking the officers’ activity and it is an unending stream of information sought through his applications. The public authority need not answer repeated RTI applications, however, if the content is different in any RTI application, the public authority has to examine whether it falls under section 4 (1) (b) of RTI Act and accordingly decide to provide or reject information.

6. The officers also state that there are several applications filed by the appellant regarding DAV Management and service related information of the persons employed there under.

7. This shows that there is no public interest and RTI are motivated through personal vengeance. The Commission directs him not to misuse RTI to advance his personal vendetta. The public authority has a purpose which cannot be defeated by multiple RTI applications. The Commission has earlier decided 2 of the appellant’s RTI applications on 5.8.2016. The Commission rejects this second appeal, with a direction to PIO to consider whether any information demanded could be voluntarily disclosed under Section 4 (1) (b) and disclose the same. Disposed of.

2.CIC/CBSED/A/2018/130067

The appellant has sought the following information in respect of letter no. CBSE/AFF/330124/2015/991256 dated 18/12/2015 and CBSE/AFF/330124/2016/1042381 dated 08/03/2016:

1. Attested copy of the report submitted in respect of above two letters.

2. Attested copy of the documents containing date wise action taken report.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply in respect of point no. 1, as the copy of the report was not given. He further submitted that in respect of point no. 2 of the RTI application date wise action taken was given but the file notings and findings were not given.

Smt. Seema Khakha, Assistant Secretary and CPIO agreed to abide by the order of the Commission. She further submitted that the appellant’s RTI application is motivated by personal vengeance and should be dismissed in limine.
3.CIC/CBSED/A/2018/131132

The appellant has sought the following information:

1. Copy of the letter in the light of which, Physical Education is being imparted to students of Class XI of DAV Public School, Cantt. Road, Khagaul Campus, Patna, Affiliation no. 330018.

2. Copy of the letter/rule, in the light of which, the appointment of Physical Education Teacher is being done in the form of Head Examiner since 2012 to till date.

3. And other related information.

**Submissions made by Appellant and Respondent during Hearing:**

The appellant submitted that he is not satisfied with the reply.

Shri Suresh Kumar, Assistant Secretary and the CPIO submitted that the First Appellate Authority (FAA) vide order dated 19.03.2018 disposed of the first appeal and replied accordingly.

4.CIC/CBSED/A/2018/130926

The appellant has sought the following information:

1. Copy of his letter dated 25/10/2014, in the light of which letter No. CBSE/AFF/330018/2015/823358 dated 10/02/2015 was issued.

2. Copy of the date wise action taken report submitted by CBSE officers in respect of letter No. CBSE/AFF/330018/2015/823358.

3. And other related information.

**Submissions made by Appellant and Respondent during Hearing:**

The appellant submitted that he is not satisfied with the reply, as he is entitled to know the action taken on his own applications.

Smt. SeemaKhakha, Assistant Secretary and CPIO submitted that the committee report was finalised in August 2018. She further submitted that the appellant’s RTI application is motivated by personal vengeance and needs to be dismissed in limine.
The appellant has sought the following information:

1. Copy of the letter/order/ruling under which Sh. Rohtas Kanwar, Section Officer was appointed as Public Information Officer.

2. Copy of the correspondence exchanged between the regional office and head office regarding the appointment of Sh. Rohtas Kanwar, Section Officer as Public Information Officer.

3. Copy of the letter/order/ruling under which Sh. Rohtas Kanwar, Section Officer was appointed on the post of Asst. Secretary.

4. And other related information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply.

Shri Suresh Kumar, Assistant Secretary and CPIO submitted that the FAA had disposed of the first appeal on 07.03.2018. He further submitted that the appellant is filing frivolous RTI applications, which has no public interest. Moreover the information sought relates to personal information of third parties.

The appellant has sought the following information:

1. Details of action taken on letter dated 28/12/2017 sent to the Public Information Officer.

2. Details of action taken in respect of the inspection report submitted by the inspection committee regarding extension of contract no. 330124.

3. And other related information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply.

The CPIO reiterated the earlier reply. However, agreed to abide by the order of the Commission.
7. CIC/CBSED/A/2018/155587

The appellant has sought information regarding the action taken in respect of letter No. DAVPSTWA/C/2018/213 dated 21/04/2018 sent by General Secretary, DAV Public Schools Teachers Welfare Association to Director, CBSE, New Delhi.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that his letter dated 24.04.2018 was sent through registered post and is unlikely that it was not received.

The CPIO, Smt Satpaul Kaur submitted that the reference no. pertaining to the instant letter was not received but a letter bearing a different reference no. was received from the MHRD which contained the same contents. Hence, the information pertaining to that letter was given vide letters dated 02.08.2018, 11.10.2018 and 11.03.2019.

8. CIC/CBSED/A/2018/156389

The appellant has sought the following information:

1. Provide the details of action taken on letter dated 19/01/2018 sent separately to Chairman and Secretary.

2. Provide the copy of the letter in the light of which Physical Education is being taught in Class XI of DAV Public School, Cantt. Road Khagaul Campus, Patna Affiliation No. 330018.

3. And other related information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply.

The CPIO submitted that appropriate reply was given.

9. CIC/CBSED/A/2018/156576

The appellant has sought the following information:

1. Provide the details of action taken on his letter dated 19/01/2018 sent separately to Chairman and Secretary.
2. Provide the copy of the letter in the light of which Physical Education is being taught in Class XI of DAV Public School, Cantt. Road Khagaul Campus, Patna Affiliation No. 330018.

3. And other related information.

**Submissions made by Appellant and Respondent during Hearing:**

The appellant contested that the RTIs may be the same but were addressed to different public authorities. Hence each case is different.

The CPIO submitted that 70 percent of their man power cannot be engaged in replying to similar kind of RTI applications. Moreover, it is virtually impossible for them to provide all and sundry information.

**10.CIC/CBSED/A/2018/156680**

The appellant has sought the following information:

1. Provide the details of action taken on his letter dated 19/01/2018 sent separately to Chairman and Secretary.

2. Provide the copy of the letter in the light of which Physical Education is being taught in Class XI of DAV Public School, Cantt. Road Khagaul Campus, Patna Affiliation No. 330018.

3. And other related information.

**Submissions made by Appellant and Respondent during Hearing:**

The appellant contested that the RTIs may be the same but were addressed to different public authorities. Hence each case is different.

The CPIO submitted that 70 percent of their man power cannot be engaged in replying to similar kind of RTI applications. Moreover, it is virtually impossible for them to provide all and sundry information.

**11.CIC/CBSED/A/2018/169863**

**Information Sought:**

The appellant has sought the action taken report in respect of Sh. Suresh Kumar, Section Officer (Admn.) letter no. CBSE/ROD/Legal/F No. 746/2015 dated 08.04.2015 and also wants the copies of action taken on the parwise comments given by DAV College Managing Committee.
Submissions made by Appellant and Respondent during Hearing:

The appellant challenged the Records Retention Schedule of the public authority.

The CPIO submitted that the information sought in the instant case were weeded out.

Observations:
Based on a perusal of the records, the Commission observed that the nature of these RTI Applications are frivolous and in the nature of repetition of similar issues and it is also observed that each RTI Application has been replied to. The reliance placed by the CPIO on the earlier order of the Commission relating to the same appellant is also well founded.

The Commission is amazed to see that despite being cautioned by the earlier bench of the Commission vide order dated 27.12.2016 in case no. CIC/SA/A/2015/002026 and vide order dated 22.02.2017 in case no. CIC/RM/A/2014/004079, the appellant without paying any heed to the Commissions repeated orders continued to file second appeals and complaints of similar nature in the year 2018 and 2019 also, as can be noted from the date of filing of second appeals and complaints.

It appears that the Appellant has grossly misconceived the idea of exercising his right to Information as being absolute and unconditional and is rather resorting to misuse of this Act to settle some personal grievance against the respondent authorities. In this context, the Commission finds it pertinent to rely on the following decisions:

The Hon’ble Supreme Court’s observation in Central Board of Secondary Education (CBSE) & anr. v. Aditya Bandhopadhyay and others [(2011) 8 SCC 497] held that:

"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information,(that is information other than those enumerated in section 4(1)(b) and (c) of the
Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

Similarly, in ICAI v. Shaunak H. Satya, (2011) 8 SCC781 the Hon'ble Supreme Court has held that:

"39. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Sections 4(1)(b) and (c) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."

In the matter of Rajni Maindiratta- Vs Directorate of Education (North West - B) [W.P.(C) No. 7911/2015] the Hon'ble High Court of Delhi has held that:
"8. Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it is found that the process of the law is being abused, the same become relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop thereto."

In the matter of Shail Sahni vs Sanjeev Kumar [W.P.(C) 845/2014] wherein the Hon'ble High Court of Delhi has held that:

"This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law."

The appellant should know that the RTI Act is a means to promote public interest and should not to be used as an instrument to harass the public authority. His multiple RTI applications have a grave impact on the functioning of CBSE, if this is allowed, the public authority cannot focus on their core duties and their entire time will be devoted to such frivolous/vexatious/ repeated/multiple RTI questions. This is undoubtedly misuse and it has to be checked.

Decision:

In view of the above, the Commission has clubbed the above referred matters for adjudication as the subject matter of all these matters pertain to similar grievances of the Appellant. The nature of queries in all of these matters is such that largely seeks information regarding action taken against other employees of the respondent, action taken on appellant’s multiple representations etc. These Appeals and Complaints reveal that the appellant in the garb of seeking information is flooding the public authority with similar RTI applications.

The earlier bench of the Commission in a similar case of a different party in File No. CIC/BS/A/2014/002319-SA held as follows:

“16. Filing of multiple RTI on the same subject creates fear among the public authority. The feel tormented by such disgruntled/ retired employees consuming through RTI their precious resource apart from causing mental agony....”
A coordinate bench of the Commission in the matter of Ex MWO S P Bajpai vs CPIO, Dept of Personal Services vide decision dated 24.10.2018 held as follows:

“Upon a conjoint reading of the above dicta and the perusal of facts on record, it is established well beyond reasonable doubt that Appellant is in a habit of misusing his right to information. Commission advises the Appellant to make judicious use of the cherished statute of RTI Act in future. CPIO is advised to deal with any future RTI Applications of the Appellant on the subject of grant of Honorary Commission or anything related to service related grievance emanating from this subject in accordance with the aforesaid observations of the Commission.”

Therefore, without commenting on the merits of the rival contentions made by the parties, the Commission deems it appropriate to dismiss these appeals and complaints.

Note: The cases listed from serial no. 12 to 21 are being disposed of collectively on the same day, without issuing notice of hearing, being frivolous and repetitive in nature.

12.CIC/CBSED/A/2019/110377

Information Sought:

The appellant has sought the following information:

2. Copy of the advertisement in respect of which Shri Rajiv Baruah, Assistant Secretary and Shri Ajay Kumar Mishra, Senior Accounts Officer was appointed.
3. And other related information.

13.CIC/CBSED/A/2019/110375

The appellant has sought the following information:

1. Details of date wise action taken in respect of letter dated 24.07.2018
2. Details of date wise action taken in respect of letter dated 08.03.2016
3. And other related information.

14.CIC/CBSED/A/2019/123212

The appellant has sought the following information:
1. Details of date wise action taken in respect of letter dated 30.08.2018
2. Details of date wise action taken in respect of letter dated 26.11.2015
3. And other related information.

15.CIC/CBSED/A/2019/124017

The appellant has sought the following information:

2. And other related information.

16.CIC/CBSED/A/2019/125247

The appellant has sought the following information:

1. Details of date wise action taken in respect of his letter dated 16.08.2018 along with file notings and findings.
2. And other related information.

17.CIC/CBSED/A/2019/125664

The appellant has sought the following information:

2. And other related information.

18.CIC/CBSED/C/2019/124536

The complainant has sought the following information:

2. And other related information.

19.CIC/CBSED/A/2019/110372

The appellant has sought the following information:

2. And other related information.
20. CIC/CBSED/A/2019/104520
The appellant has sought the following information:
2. And other related information.

21. CIC/CBSED/A/2019/104470
The appellant has sought the following information:
1. List of members of the selection committee for appointment of Sports observer
2. And other related information.

In the context of the aforesaid observations, the Commission does not find it expedient to afford any further opportunity of hearing in the above listed cases from serial no. 12 to 21 as well as similar cases of the appellant which may be pending with the Commission.

With the above observations, the appeal(s) and Complaint(s) as listed in the order are disposed of accordingly.

Vanaja N. Sarna (वनजाएन. सरना)
Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणितस्थापितप्रति)
A.K. Assija (ऐ.के. असीजा)
Dy. Registrar (उप-पंजीयक)
011-26182594 /
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