

**CENTRAL INFORMATION COMMISSION**  
**BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067**

F.No.PBA/06/96  
19<sup>th</sup> September, 2006

**Appeal No. 111/ICPB/2006**  
**In the matter of Right to Information Act, 2005 – Section 19.**

Appellant: Mr. Himanshu J. Mehta

Public authority: Employees Provident Fund Organisation, Ahmedabad.  
Sh. S.S.Nair - CPIO  
Regional Provident Fund Commissioner – Appellate Authority.

**FACTS:**

The appellant vide his communication dated 21.12.2005 addressed to the CPIO had sought the following information, followed by first appeal dated 23.2.2006 to the Regional Provident Fund Commissioner :

- i. Allotment of Provident Fund Code No.GJ/28322 allotted to M/s Tectona Soft Solution (Pvt) Ltd.
- ii. Copy of the Application submitted by M/s Tectona Soft Solution (Pvt) Ltd.
- iii. Copy of the Notification of the Provident Fund Commissioner applying the provisions of the Act.
- iv. Copy of the Letter of Authority used by Mahesh Shah to appear before the Assistant Provident Fund Commissioner in proceedings initiated u/s 7A of the Employees Provident Fund & Misc. Provisions Act.
- v. Copy of the proceedings which have been attended by Mahesh Shah on behalf of the company M/s. Tectona Soft Solution (Pvt) Ltd.

By a letter dated 7.4.2006, the Public Authority informed the appellant that hearing in the above matter has been scheduled on 21.4.2006 during which the documents sought for by the appellant could be handed over. The appellant filed an appeal before the AA on 17.4.2006. Since he did not get any reply from AA, he filed the present appeal. Comments were called for from CPIO. Pointing out that proceedings had been initiated against M/S Tectona Soft Solution Pvt. Ltd. under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act which is pending has contended that the matter is pending before a quasi judicial authority. It has also been stated in the comments that the appellant has already been advised that whatever documents had been sought for would be furnished to him during the proceedings but no body has so far appeared on behalf of the establishment. In his elaborate rejoinder, the appellant has contended that the provisions of EPF was not

applicable at all to the establishment and has sought for directions to the CPIO to furnish the information asked for by the appellant.

**DECISION:**

I find from the reply of the CPIO that he has not taken shelter under any of the exemptions provided under Section 8 of the Act but has only informed the appellant that the documents could be handed over during the course of the hearing. Since the appellant has claimed himself to be the advocate for M/S Tectona Soft Solutions (Pvt) Ltd, on his producing an authority from the said company, the CPIO will furnish all the information sought for by the appellant within 15 days from the receipt of the authority from the company as I find that the information sought for is not exempt under any of the provisions of Section 8 of the Act. In so far as the contention of the appellant in his rejoinder that EPF Act is not applicable to the company, this Commission has no powers to enquire into such matters.

3. Let a copy of this decision be sent to the appellant and CPIO.

Sd/  
(Padma Balasubramanian)  
Information Commissioner

Authenticated true copy :

( L. C. Singhi )  
Addl. Registrar

Address of Parties :

1. Shri S.S.Nair, Chief Public Information Officer, Employees Provident Funds Organisation, Regional Office, Bhavishyanidhi Bhavan, Near RBI-Income Tax Circle, Ashram Road, Ahmedabad-380014.
2. Regional Provident Fund Commissioner, Employees Provident Funds Organisation, Regional Office, Bhavishyanidhi Bhavan, Near RBI-Income Tax Circle, Ashram Road, Ahmedabad-380014.
3. Mr. Himanshu J.Mehta 208, Rajkamal Plaza, A-Wing, Opp. Sakar III, High Court Cross Lane, Ashram Road, Ahemdabad-380014