

D-NO-6906

**Office of the Appellate Authority
under Right to Information Act, 2005
Indian Renewable Energy Development Agency Ltd.
Corporate Office: 3rd Floor, August Kranti Bhawan
Bhikaji Cama Place, New Delhi-110066**

Decision No. 11

Dated 28.03.2017

In the matter of:-

Shri Siddhartha Priya
House No. B-30, Shakti Nagar,
WCL Durgapur Colony, Durgapur,
Chnadrapur,
Maharashtra - 442404

.....Appellant

VS

Central Public Information Officer
Indian Renewable Energy Development Agency Limited
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

.....Respondent

Brief fact of the case:-

This office has received one appeal dated 31.01.2017 (transferred through MNRE vide their letter dt. 20.02.2017 and received in our office on 23.02.2017) preferred by Shri Siddhartha Priya. Appellant preferred the said appeal against his application dated 31.01.2017 made to Central Public Information Officer (CPIO) as no response has been provided to the appellant till the date of preferring the present appeal.

प्रति की तारीख.....
तारीख को तारीख.....
तारीख को तारीख.....
हस्ताक्षर.....

Copy of application made to CPIO has also been annexed.

Ground of challenge by the reply of CPIO

2.1 The grievance of the appellant is that he has not got response from IREDA within the time limit.

Decision with reasons:-

3.1 As far as the question of not receiving the reply from CPIO from the date of submission of RTI application is concerned, it is observed that the said application dt. 20.12.2016 has been received in IREDA on 21.02.2017 on transfer from MNRE vide letter dt. 15.02.2017. As per RTI Act, a time limit of 30 days from the date of receipt of request/application has been prescribed to provide the information. In the instant case, the reply has been sent by CPIO within timeline.



(S.K. Bhargava)

First Appellate Authority (RTI)

28.03.2017

Copy to:-

1. Shri A.B. Kiran, AGM (Law) cum CPIO

MOST IMMEDIATE
(RTI Appeal Matter)

No.18/01/2015- P&C
Government of India
Ministry of New and Renewable Energy
(Planning & Coordination Division)

Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003.

Dated: 20th February, 2017.

To,

Shri S.K Bhargava, Director (F),
Appellate Authority, under RTI Act,
The Indian Renewable Energy Development Agency (IREDA),
August Kranti Bhawan, 3rd Floor, Bhikaji Cama Place,
New Delhi -110066.
Tel: +91.11.26717425 (O)

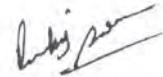
Subject: Transfer of RTI Appeal filed by Shri Siddhartha Priya

Sir,

Kindly find enclosed herewith a copy of RTI appeal (Registration Number MNRE/A/2017/60002), dated 31st January, 2017 received from **Shri Siddhartha Priya, WCL Durgapur Colony, Durgapur, Chandrapur, Maharashtra-442404** on the subject mentioned above against the RTI application Registration No. MNRE/R/2016/50357/1 dated 20th December,2016 (Copy enclosed). Since the information sought by the applicant under above RTI appeal is not held by the Appellate Authority, the same is transferred for necessary action at your end. Reply of the RTI appeal may be sent direct to the applicant. The RTI application has already been transferred to the CPIO, IREDA.

Encl: As above.

Yours faithfully,



(Dr. Pankaj Saxena)
Director & Appellate Authority

Copy for information to:-

1. **Shri Siddhartha Priya**, House No. B-30, Shakti Nagar, WCL Durgapur Colony, Durgapur, Chandrapur, Maharashtra -442404 {Further correspondence, if any, in this regard may please be made direct with the above Public Authority}.
2. Shri Raghunath, Under Secretary (RTI), MNRE

ES
Pl. collect detail & push up reply
23/2/17

23 FEB 2017

2556

D(F)

Public Authority: Ministry of New & Renewable Energy

Role : Appellate Authority

User : Shri Pankaj Saxena

Registration Number (पंजीकरण संख्या) :	MNRES/A/2017/60002 View RTI Request Details (अपील का अनुरोध का विवरण देखें)
Appeal is received by (अपील का प्राप्तकर्ता) :	Online Receipt
Date of Receipt (प्राप्ति की तारीख) :	31/01/2017
Name (नाम) :	Siddhartha Priya
Gender (लिंग) :	Male
Address (पता) :	House no. B-30, Shaktinagar, WCL Durgapur Colony, Durgapur, Chandrapur, Maharashtra, Pin:442404
Phone Number (फोन नंबर) :	Details not provided
Mobile Number (मोबाईल नंबर) :	+91-9560399668
Email-ID (ईमेल-आईडी) :	siddhartha.priya@gmail.com
State (राज्य) :	Maharashtra
Country (देश) :	India
RTI Request Registration No (सूचना का अधिकार अनुरोध पंजीकरण सं.) :	MNRES/R/2016/50357/1
RTI Request Registration Date (सूचना का अधिकार अनुरोध पत्र दिनांक) :	31/01/2017
Appeal Letter No. (अपील पत्र सं.) :	Details not provided
Appeal Letter Date (अपील पत्र दिनांक) :	Details not provided
Citizenship Status (नागरिकता) :	Indian
Is Appellant Below Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :	No
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	Details not provided.
Name of CPIO (सीपीओ का नाम) :	Name of CPIO is not given. (सीपीओ का नाम नहीं दिया गया है।)
CPIO's Order/Decision No. (सीपीओ का आदेश / निर्णय संख्या) :	Details not provided
Date of Receipt of CPIO's Order/Decision (सीपीओ के आदेश / निर्णय के रसीद की तारीख) :	Details not provided
Ground for Appeal (अपील का आधार) :	No Response Within the Time Limit
Prayer or Relief Sought (प्रार्थना या अनुरोध की गई राहत) :	Dear Sir, Please provide me the requested information against this RTI number. Regards, Siddhartha
Reason for delay (if any) in filing this appeal (इस अपील को दायर करने में देरी, यदि कोई हो, का कारण) :	N/A
*Please Select a Decision (कृपया निर्णय का चयन करें।) :	---Please Select---

Submit

ACTION HISTORY OF RTI REQUEST No.MNRES/R/2016/50357/1



Applicant Name (आवेदक का नाम)

Sudharta Nigya

Text of Application (आवेदन का पाठ)

Dear Ma'am/Sir Through Ministry of Home Affairs G.M. No.16/17/67-Estt.(G), dated the 10th April, 1965 and subsequent O.Ms. from Department of Personnel and Training (DoPT) etc Liaison Officers for SC/ST & Liaison Officers for OBCs) were to be appointed by various Ministries/ Departments/ Subordinate offices including PSU's. I request you to please provide me the Contact Details (Name, Designation, Email id & phone numbers including official mobile numbers) of the Liaison Officers to Ministry of Home Affairs as well as the following. Since the information sought by the applicant under above RTI application is not held by the Public Authority, the same is transferred to IREDA under section 6(3) of the RTI Act, 2005 for favour of necessary action. Reply of the RTI may be sent direct to the applicant.

Reply of Application (आवेदन का उत्तर)

Sr No.

(क्रम सं)

Action Taken (कार्रवाई की गई)

Date of Action (कार्रवाई की तारीख)

Action Taken By (कार्रवाई द्वारा)

Remarks (टिप्पणी)

1	RTI REQUEST RECEIVED	20/12/2016	Nodal Officer	MNRES/R/2016/50357
2	REQUEST FORWARDED TO CPIO	20/12/2016	Nodal Officer	Forwarded to CPIO(s) :
3	REQUEST TRANSFERRED TO OTHER CPIO	15/01/2017	Shri Pankaj Saxena-(CPIO)	Transferred to CPIO(s) : (1) Shri Rahul Rawat
4	REQUEST DISPOSED OF	15/02/2017	Shri Rahul Rawat-(CPIO)	

[View Request Document](#)

(अनुबंध दस्तावेज़ देखें)

RTI APPEAL DETAILS (आरटीआई अपील विवरण)

Appeal Registration Number (अपील पंजीकरण संख्या) :	MNRES/A/2017/60002	RTI Appeal Received Date (आरटीआई अपील प्राप्त की तिथि) :	31/01/2017
RTI Request Registration No. (आरटीआई अनुरोध पंजीकरण संख्या):	MNRES/R/2016/50357/1	RTI Request Registration Date (आरटीआई अनुरोध पंजीकरण की तारीख) :	20/12/2016
Name (नाम) :	Siddhartha Priya	Gender (लिंग) :	Male
Address (पता) :	House no. B-30, Shaktinagar, WCL Durgapur Colony Durgapur, Chandrapur Maharashtra		
Pin code (पिन कोड) :	442404		
State (राज्य) :	Maharashtra	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	+91-9560399668
Email-ID (ईमेल-आईडी) :	siddhartha.priya@gmail.com		
Status (स्थिति) :	Urban	Educational Status (शैक्षणिक स्थिति) :	Above Graduate
Citizenship Status (नागरिकता) :	Indian	Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :	No
CPIO Approached (संपर्क सीपीआईओ) :		Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के तारीख) :	Details not provided
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided		
Ground for Appeal (अपील का आधार) :	No Response Within the Time Limit		
Text of RTI First Appeal (आरटीआई	Dear Sir, Please provide me the requested information as per RTI request.		

प्रथम अपील का पाठ) :

Regards,
Siddhartha

[Print](#) [Save](#) [Close](#)

**Office of the Appellate Authority
under Right to Information Act, 2005
Indian Renewable Energy Development Agency Ltd.
Corporate Office: 3rd Floor, August Kranti Bhawan
Bhikaji Cama Place
New Delhi-110066**

Decision No. 10

Dated 28.03.2017

In the matter of:-

Ms. Deepika Verma
A-31/S-4, Shalimar Garden-2,
Sahibabad, Ghaziabad,
Uttar Pradesh 201005

.....Appellant

VS

Central Public Information Officer
Indian Renewable Energy Development Agency Limited
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

.....Respondent

Brief facts of the case:-

- 1.1 This office has received one appeal dated 20.02.2017 (transferred through MNRE and received in our office on 23.02.2017) preferred by Ms. Deepika Verma. Appellant preferred the said appeal against the rejection of his application dated 14.01.2017 made to Central Public Information Officer (CPIO) as no response has been provided to the appellant till the date of preferring the present appeal.
- 1.2 Copy of application made to CPIO has also been annexed with the appeal and through the said application, the appellant/applicant sought the following information:-

“Please provide me the marks (separately written & interview) obtained by all candidates appeared in interview for the position of Assistant Manager (IT) in IREDA held on 14.10.2016.”

प्रति की तिथि 28/3/2017
कापी का मूल प्रमाणित 28/3/2017
क वि. सं.
प्रमाणित 8

Ground of challenge by the reply of CPIO

2.1 The grievance of the appellant is that she has not got response from IREDA within the time limit.

Decision with reasons:-

3.1 As far as the question of not receiving the reply from CPIO from the date of submission of RTI application is concerned, it is observed that the said application dt. 14.01.2017 has been received in IREDA on 27.01.2017. Here it is germane to refer the relevant provision contained under section 7 of Right to Information Act, 2005 according to which the reply has been made within timeline.

3.2 In the light of the above, this appeal is disposed of accordingly.


(S.K. Bhargava)
First Appellate Authority (RTI)
28.03.2017

Copy to:-

1. Shri A.B. Kiran, AGM (Law) cum CPIO

MOST IMMEDIATE
(RTI Appeal Matter)

No.18/01/2015- P&C
Government of India
Ministry of New and Renewable Energy
(Planning & Coordination Division)

Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003.

Dated: 20th February , 2017.

To,

Shri S.K Bhargava, Director (F),
Appellate Authority, under RTI Act
Indian Renewable Energy Development Agency (IREDA),
August Kranti Bhawan, 3rd Floor, Bhika Ji Cama Place,
New Delhi -110066.
Tel: +91.11.26717425 (O)

Subject: Transfer of RTI Appeal filed by Ms. Deepika Verma.

Sir,

Kindly find enclosed herewith a copy of RTI appeal (Registration Number MNRE/A/2017/60004), dated 13th February, 2017 received from Ms Deepika Verma, Sahibabad, Gaziabad, Uttar Pradesh on the subject mentioned above against the RTI application Registration No. MNRE/R/2017/50010/ dated 14th Januray, 2017 (Copy enclosed). Since the information sought by the applicant under above RTI appeal is not held by Appellate Authority, the same is transferred for necessary action at your end. Reply of the RTI appeal may be sent direct to the applicant. The RTI application has already been transferred to the CPIO, IREDA.

Encl: As Above

Yours faithfully,



(Dr. Pankaj Saxena)
Director & Appellate Authority

Copy for information to:-

- Ms. Deepika Verma,
A-31/S-4, Shalimar Garden-2,
Shahibabad, Gaziabad, Pin -201005, Uttar Pradesh
{Further correspondence, if any, in this regard may please be made direct with the above Public Authority}.
- Shri Raghunath, Under Secretary (RTI), MNRE

23 FEB 2017

2557

D(F)

ES
Pl. Collect details and put up draft reply. Sh 23/2/17

RTI Request & Appeal Management Information System (RTI-MIS)

[HOME](#) [SEARCH](#) [ASSESSMENT](#) [COMMENTS RECEIVED FROM CPIO](#) [CORRESPONDENCE LETTER](#) [REPORTS](#) [UTILITY](#)
[USER MANUAL](#) [LOGOUT](#)

ASSESSMENT OF NEW APPEAL (नई अपील का आकलन)

Public Authority: Ministry of New & Renewable Energy

Role : Appellate Authority

User : Shri Pankaj Saxena

Note : Fields marked with * are Mandatory. (नोट : * से चिह्नित फ़िल्ड अनिवार्य हैं।)

Registration Number (पंजीकरण संख्या) :	MNRES/A/2017/60004 View RTI Request Details (आरटीआई विवरण का अनुरोध देखें) View Appeal Details (अपील विवरण देखें)
Appeal is received by (अपील का प्राप्तकर्ता) :	Online Receipt
Date of Receipt (प्राप्ति की तारीख) :	13/02/2017
Name (नाम) :	Deepika Verma
Gender (लिंग) :	Female
Address (पता) :	A-31/S-4, Shalimar Garden-2, Sahibabad, Ghaziabad, Pin:201005
Phone Number (फ़ोन नंबर) :	Details not provided
Mobile Number (मोबाईल नंबर) :	+91-8285408595
Email-ID (ईमेल-आईडी) :	nishant1255@yahoo.co.in
State (राज्य) :	Uttar Pradesh
Country (देश) :	India
RTI Request Registration No (सूचना का अधिकार अनुरोध पंजीकरण सं.) :	MNRES/R/2017/50010
RTI Request Registration Date (सूचना का अधिकार अनुरोध पत्र दिनांक) :	13/02/2017
Appeal Letter No. (अपील पत्र सं.) :	Details not provided
Appeal Letter Date (अपील पत्र दिनांक) :	Details not provided
Citizenship Status (नागरिकता) :	Indian
Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :	No
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	Details not provided.
Name of CPIO (सीपीआईओ का नाम) :	Shri Rahul Rawat
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided
Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) :	Details not provided
Ground for Appeal (अपील का आधार) :	No Response Within the Time Limit
Prayer or Relief Sought (प्राथना या अनुरोध की गड़ें राहत) :	Sir MNRE has transferred my above mentioned request to IREDA under section 6(3) of the RTI Act,2005 for favor of necessary action. But still i have not got any response from IREDA. Please look into this matter ASAP.
Reason for delay (if any) in filing this appeal (इस अपील को दायर करने में विलंब, यदि कोई हो, का कारण) :	N/A
*Please Select a Decision (कृपया निर्णय का चयन करें) :	<input type="text" value="—Please Select—"/>

Submit

RTI APPEAL DETAILS (आरटीआई अपील विवरण)

Appeal Registration Number (अपील पंजीकरण संख्या) :	MNRES/A/2017/60004	RTI Appeal Received Date (आरटीआई अपील प्राप्त की तिथि) :	13/02/2017
RTI Request Registration No. (आरटीआई अनुरोध पंजीकरण संख्या):	MNRES/R/2017/50010	RTI Request Registration Date (आरटीआई अनुरोध पंजीकरण की तारीख) :	14/01/2017
Name (नाम) :	Deepika Verma	Gender (लिंग) :	Female
Address (पता) :	A-31/S-4, Shalimar Garden-2 Sahibabad Ghaziabad		
Pin code (पिन कोड) :	201005		
State (राज्य) :	Uttar Pradesh	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	+91-8285408595
Email-ID (ईमेल-आईडी) :	nishant1255@yahoo.co.in		
Status (स्थिति) :	Urban	Educational Status (शैक्षणिक स्थिति) :	
Citizenship Status (नागरिकता) :	Indian	Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :	No
CPIO Approached (संपर्क सीपीआईओ) :	24431	Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) :	Details not provided
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided		
Ground for Appeal (अपील का आधार) :	No Response Within the Time Limit		
Text of RTI First Appeal (आरटीआई प्रथम अपील का पाठ) :	<p>Sir</p> <p>MNRE has transferred my above mentioned request to IREDA under section 6(3) of the RTI Act,2005 for favor of necessary action. But still i have not got any response from IREDA. Please look into this matter ASAP.</p>		

ACTION HISTORY OF RTI REQUEST No.MNRES/R/2017/50010



Applicant Name (आवेदक का नाम) Deepika Verma
 I, Deepika Verma, had applied for post of Asst. Manager (IT) in Indian Renewable Energy Development Agency Ltd. (IREDA) under Recruitment Advt. No. IREDA/HR/Recit./2016/001. I was also selected in the written exam held on 25/Sep/2016 and was appeared in Interview of same on 14/Oct/2016. The result of above mentioned interview was out on 04/Jan/2017. Under this request I just want to know the marks (seperately of written and interview) obtained by all candidates appeared in interview. Thanks Deepika Verma App. No. - 118992580302 Roll No. Since the information sought by the applicant under above RTI application is not held by this Public Authority, the same is transferred to IREDA under section 6(3) of the RTI Act,2005 for favour of necessary action.

Text of Application (आवेदन का पाठ)

Reply of Application (आवेदन का उत्तर)

Sr No. (क्रम सं)	Action Taken (कार्रवाई की गई)	Date of Action (कार्रवाई की तारीख)	Action Taken By (कार्रवाई द्वारा)	Remarks (टिप्पणी)
1	RTI REQUEST RECEIVED	14/01/2017	Nodal Officer	
2	REQUEST FORWARDED TO CPIO	16/01/2017	Nodal Officer	Forwarded to CPIO(s) : (1) Shri Rahul Rawat
3	REQUEST DISPOSED OF	17/01/2017	Shri Rahul Rawat- (CPIO)	

[View Request Document](#)
 (अनुरोध दस्तावेज देखें)

सं. 216/105/LEGAL/2012/

1432

दिनांक 08.06.2016

सेवा में

श्री सुनील कुमार गयाप्रसाद मिश्रा
सेंट्रल इंडिया इंस्टीट्यूट ऑफ मास कम्युनिकेशन
आशीर्वाद थिएटर कॉम्प्लेक्स ग्रेट नाग रोड
नागपुर-440003 महाराष्ट्र)

**विषय : सूचना का अधिकार अधिनियम, 2005 के अंतर्गत जानकारी- आवेदन संख्या-
286/2016**

1. मामले का संछिप्त विवरण:-

अपीलकर्ता श्री सुनील कुमार गयाप्रसाद मिश्रा ने प्रथम अपील दिनांक 26.04.2016 को केन्द्रीय सूचना अधिकारी द्वारा सूचना के अधिकार अधिनियम, 2005 के तहत 13.04.2016 को उपलब्ध कराई गई सूचना को चुनौती देने के लिए दायर किया है। अपीलकर्ता ने सूचना के अधिकार अधिनियम, 2005 के अंतर्गत केन्द्रीय सूचना अधिकारी के पास आवेदन दिनांक 18.03.2016 द्वारा निम्नलिखित सूचनाएँ मांगी थी जो केन्द्रीय सूचना अधिकारी द्वारा 22.03. 2016 को प्राप्त किया गया।

प्रश्न 1. मे.एन.बी. इनफ्रास्ट्रक्चर प्रा.ली.भोपाल को नागपुर महानगरपालिका में प्रकल्प हेतु ₹ 171 करोड़ रुपये कर्ज दिया गया था उसमें से कितनी रकम वसूल की गयी इसकी जानकारी दे।

प्रश्न 2. मे.एन.बी. इनफ्रास्ट्रक्चर पावर प्रा.ली.भोपाल को कर्ज देते समय व्यक्तिक और कॉरपोरेट प्रमोटर की गारंटी ली गयी थी उनके नाम व पते दिये जाये।

प्रश्न 3. मे.एन.बी. इनफ्रास्ट्रक्चर पावर प्रा.ली.भोपाल को कर्ज देते समय जो बैंक गारंटी ली गयी थी उन बैंक के नाम व पते दिये जाये।

प्रश्न 4. यदि अब तक कर्ज की वसूली नहीं हुई है तो किन कारणों से इसकी जानकारी दी जाये।

2. केन्द्रीय जन सूचना अधिकारी का अवलोकन और उत्तर

आवेदनकर्ता/अपीलकर्ता के आवेदन का निपटारा करते हुए केन्द्रीय सूचना अधिकारी इस निष्कर्ष पर पहुंचे कि आवेदनकर्ता द्वारा मांगी गई किसी भी सूचनाओं को प्रकट ना करने की छुट सूचना का अधिकार अधिनियम, 2005 में धारा 8 (1)(घ) और 8(1)(ड) के अंतर्गत निम्न कारणों से दी गयी है,

धारा 8 (1) - इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, व्यक्ति को निम्नलिखित सूचना देने की बाध्यता नहीं होगी-

आवेदन का तारीख..... 08-06-2016
आवेदन को प्रकट करने की तारीख..... 08-06-2016
आवेदन को प्रकट करने के लिए
हस्ताक्षर.....

8 (1) (घ)- सूचना, जिसमें वाणिज्यिक विश्वास, व्यापार गोपनीयता या बौद्धिक सम्पदा सम्मिलित है, जिसके प्रकटन से किसी पर व्यक्ति की प्रतियोगी स्थिति को नुकसान होता है। जब तक की सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है की ऐसी सूचना के प्रकटन से विस्तृत लोकहित का समर्थन होता है।

8 (1) (ङ)-किसी व्यक्ति को उसकी वैषवासिक नातेदारी में उपलब्ध सूचना, जब तक की सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है की ऐसी सूचना के प्रकटन से विस्तृत लोकहित का समर्थन होता है।

अतः उपर्युक्त कारणों से केन्द्रीय सूचना अधिकारी ने आवेदनकर्ता के आवेदन को अस्वीकार कर दिया।

केन्द्रीय सूचना अधिकारी द्वारा दी गई सूचनाओं को चुनोती देने का आधार

अपीलकर्ता के अनुसार उनके द्वारा मांगी गई जानकारी को उपलब्ध नहीं कराना केवल देश की मौजूदा सरकार की नीतियों के खिलाफ ही नहीं है बल्कि देश के सर्वोच्च न्यायालय द्वारा भी पिटीशन सिविल 91/2015 रिजर्व बैंक ऑफ इंडिया वि जयंतीलाल मिस्त्री में दिये गए निर्णय के खिलाफ है।

3. अवलोकन व निष्कर्ष :-

अपीलकर्ता की आवेदन और उसमें मांगी गयी सूचना के अवलोकन के परिणामस्वरूप यह निष्कर्ष निकलता है की यद्यपि अपीलकर्ता द्वारा मांगी गयी सूचनाओं को प्रकट ना करने की छुट सूचना का अधिकार अधिनियम, 2005 में धारा 8 (1) (घ), और 8 (1) (ङ) के अन्तर्गत व्यक्तिगत सूचना होने के कारण दी गयी है, परंतु चुंकि इन सूचनाओं का संबंध लोक क्रियाकलाप से है अतः ऐसी सूचनाओं का प्रकटन विस्तृत लोकहित में न्यायोचित है। अपीलकर्ता द्वारा मांगी गयी सूचना का प्रकटन निम्न में प्रस्तुत है।

प्रश्न 1. मे.एन.बी. इनफ्रास्ट्रक्चर प्रा.ली.भोपाल को नागपुर महानगरपालिका में प्रकल्प हेतु ₹ 171 करोड़ रुपये कर्ज दिया गया था उसमें से कितनी रकम वसुल की गयी इसकी जानकारी दे।

उत्तर:- मे.एम.बी. इनफ्रास्ट्रक्चर प्रा.ली.भोपाल को नागपुर महानगरपालिका में प्रकल्प हेतु ₹ 171 करोड़ रुपये का नहीं बल्कि ₹ 171 लाख का कर्ज दिया गया था। कर्ज की इस रकम की वसूली हेतु ₹84.50 लाख का बैंक गारंटी को भुनाया गया है और इस प्रकार कुल ₹ 87.66 लाख रुपए की वसूली की गयी है और शेष राशि की वसूली के लिए न्यायिक प्रक्रिया का सहारा लिया गया है।

प्रश्न 2. मे.एन.बी. इनफ्रास्ट्रक्चर पावर प्रा.ली.भोपाल को कर्ज देते समय व्यक्तिगत और कॉरपोरेट प्रोमोटर की गारंटी ली गयी थी उनके नाम व पते दिये जाये।

उत्तर:- मे.एम.बी. इनफ्रास्ट्रक्चर प्रा.ली.भोपाल को कर्ज देते समय श्री प्रफुल्ल कुमार माहेश्वरी, पता- ई- 3/22, एरीरा कालोनी, भोपाल (म.प्र.) तथा श्री निमिष माहेश्वरी, पता- 72, रामदास पेठ, नागपुर (महाराष्ट्र) से व्यक्तिगत गारंटी ली गयी थी।

इसी प्रकार कॉरपोरेट गारंटी, श्री सुनदीप माहेश्वरी, निदेशक मे. अमरकंटक फार्मस प्रा. लि., बेतवा रेयलटर्श प्रा. लि. और मे. बेतवा फिनलीज प्रा. लि., श्री ऊध्वरिशे, निदेशक- मे.एन.बी. फिनलीज लि., श्री जगदीश नारायण चंदा, निदेशक- मे. सूर्य अग्रोआयल्स लि., श्री निमिष माहेश्वरी निदेशक- मे. मध्य देश पपेर्स लि. से भी ली गयी थी।

प्रश्न 3. मे.एन.बी. इनफ्रास्ट्रक्चर पावर प्रा.ली.भोपाल को कर्ज देते समय जो बैंक गारंटी ली गयी थी उन बैंक के नाम व पते दिये जाये।

उत्तर:- मे.एन.बी. इनफ्रास्ट्रक्चर पावर प्रा.ली.भोपाल को कर्ज देते समय जो बैंक गारंटी यू टी आइ बैंक लि., पता- स्टार आरकोड, जोन-1, महारणा प्रताप नगर, भोपाल-462011 द्वारा दी गयी थी।

प्रश्न 4. यदि अब तक कर्ज की वसूली नहीं हुई है तो किन कारणों से इसकी जानकारी दी जाये।

कर्ज की रकम की अदायगी अगर कर्जदार द्वारा खुद नहीं की जाती है तो उनको कर्ज की रकम की अदायगी के लिए बाध्य करने के लिए न्यायिक प्रक्रिया का सहारा लेना पड़ता है और इसी संदर्भ में भारतीय अक्षय ऊर्जा विकास सीमित ने कर्ज कि रकम कि वसूली के लिए ऋण वसूली अधिकरण (डी. आर. टी.) में केस कर रखा है और ये मामला नयायाधिकरण के विचारधीन है।

इस प्रकार उपर्युक्त जानकारी देकर अपीलकर्ता के प्रश्नों का पूर्ण और संतोषप्रद उत्तर दे दिया गया है। अतः हम आशा करते हैं की उक्त जानकारी से अपीलकर्ता संतुष्ट होंगे। तथापि, अपीलकर्ता उक्त जानकारी से संतुष्ट नहीं हैं और इस पत्र के विरुद्ध अपील दायर करना चाहते हैं तो वे आरटीआई के अंतर्गत द्वितीय अपीलीय अधिकारी, जिनका नाम और पता नीचे दिया गया है, को संबोधित करते हुए केंद्रीय सूचना आयोग में अपील कर सकते हैं।

श्री यशोवर्धन आज़ाद
केन्द्रीय सूचना आयुक्त,
केन्द्रीय सूचना आयोग,
द्वितीय तल, अगस्त क्रांति भवन,
भीकाएजी कामा प्लेस,
नई दिल्ली-110066

कृपया यह भी नोट करें की आरटीआई अधिनियम के अंतर्गत इस पत्र की प्राप्ति की तिथि से 30 दिनों के अंतर्गत अपील करने के लिए सीमित अवधि ही मान्य है।

सधन्यवाद,

भवदीय

श्री एस. के. भागवत

श्री एस. के. भागवत
निदेशक (वित्त)/ प्रथम अपीलीय अधिकारी
भारतीय अक्षय ऊर्जा विकास संस्था सीमित

सूचना का अधिकार कानून 2005 के तहत अपील

निदेशक वित्त तथा अपिलिय अधिकारी
भारतीय अक्षय उर्जा संस्था नई दिल्ली

आवेदन कर्ता का पुरा नाम	सुनिल कुमार गयाप्रसाद मिश्रा
पुरा पता	सेंट्रल इंडिया इन्सिटिट्यूट ऑफ मास कम्युनिकेशन, आर्शिवाद थियेटर कॉम्प्लेक्स ग्रेट नाग रोड नागपुर नागपुर .440003 मो.नं 9422146767
संबंधित सूचना अधिकारी का निवेदन	मांगी गई जानकारी नहीं देने के संदर्भ में
जीस अपील के खिलाफ अपील करना है उस निर्णय की तारीख	13.4.2016
अपील दायर करने हेतु अंतिम तिथि	13.6.2016
अपील दायर करने की वजह	जनसूचना अधिकारी द्वारा जानकारी नहीं देने की वजह से
आवश्यक जानकारी का विस्तृत निवेदन	<p>प्रथम अर्जी की प्रत संलग्न है जो मुल रूप से आपके विभाग को भेजी गयी थी</p> <p>1. जनसूचना अधिकारी ने देश हित की सूचना को न देने का मानस बना रखा है यह देश की मौजूदा सरकार के नितियों के खिलाफ है इसलिये जनसूचना अधिकारी की विभागीय जांच करना आवश्यक है संभवतः वे संस्था को बुकसान पहुंचाने वाले कर्जदारों से व्यक्तिगत संबंधों के कारण सूचना देने से इंकार करने की संभावना को नकारा नहर जा सकता</p> <p>2. मैने मेरी अर्जी में हाल ही में देश की सर्वोच्च न्यायलय ने पिटीशन सिव्हील 91/2015 रिजर्व बैंक आफ इंडिया वि जयंतीलाल मिस्त्री मे निर्णय दिया है यह जानकारी मैने अपने प्रथम अर्जी में दी थी लेकीन जनसूचना अधिकारी पुर्वाग्रह से दुषित होने से उन्होने इस सूचना को भी नजरअंदाज किया और न्यायलय के आदेश कह अवमानना करने का मानस बना रखा है</p> <p>3. मेरी मा. अपिलिय अधिकारी से निवेदन है की जनसूचना अधिकारी को निर्देश दे की सूचना अधिकारी कानून 2005 का पालन कडाई से किया जाये झुठी एवं भ्रामक जानकारी न देने का निर्देश दें</p> <p>4. मै प्रत्यक्ष रूप से उपरिस्थ नही रह सकता अतः मुझे मोबाइल नं 942214676 या विडीओ कॉन्फरेंसिंग द्वारा सुना जाये</p> <p>5. जनसूचना अधिकारी को निर्देश दे की मुझे निशुल्क जानकारी दी जाये उपरोक्त अनुसार</p>
आवश्यक जानकारी का विस्तृत निवेदन	
विषय एवं स्वरूप तथा सूचना से संबंधित कार्यालय.	एबी किरण जनसूचना अधिकारी भारतीय अक्षय उर्जा संस्था नई दिल्ली

स्थान :- नागपुर

दिनांक :- 20. 4 .2016

साथ में 20 रु मुल्य के पोस्टल ऑर्डर साथ में संलग्न है

942214676
आवेदनकर्ता के हस्ताक्षर

सुचना का अधिकार कानून 2005 के तहत आवेदन

जनसुचना अधिकारी
भारतीय अक्षय उर्जा संस्था नई दिल्ली

आवेदन कर्ता का पुरा नाम	सुनिल कुमार गयाप्रसाद मिश्रा सेंट्रल इंडिया इन्सिटिट्यूट ऑफ मास कम्युनिकेशन, आर्शिवाद थियेटर कॉम्प्लेक्स ग्रेट नाग रोड नागपुर नागपुर .440003 मो.नं 9422146767
आवश्यक जानकारी का विस्तृत निवेदन	1. मे.एन.बी.इन्फ्रास्ट्रक्चर प्रा.ली.भोपाल को नागपुर महानगरपालीका में प्रकल्प हेतु 171 करोड रुपये कर्ज दिया गया था उसमें से कितनी रकम वसुल की गयी इसकी जानकारी दे तथा कंपनी द्वारा दिये गये संपुर्ण कागजात की प्रती दे 2. मे.एन.बी.इन्फ्रास्ट्रक्चर प्रा.ली.भोपाल को कर्ज देते समय वैयक्तीक और कारपोरेट प्रमोटर की गॅरंटी ली गयी थी उनके नाम व पते दिये जाये 3. मे.एन.बी.इन्फ्रास्ट्रक्चर प्रा.ली.भोपाल को कर्ज देते समय जो बैंक गॅरंटी ली गयी थी उन बैंक के नाम व पते दिये जाये 4. यदी अब तक कर्ज की वसुली नहीं हुयी है तो किन कारणों से इसकी जानकारी दी जाये
सुचना से संबंधित समय	उपरोक्त अनुसार
आवश्यक जानकारी का विस्तृत वर्णन	उपरोक्त नुसार सार्वजनिक रूप से दिये गये कर्ज की जानकारी हेना अनिवार्य है कृपया सुप्रीम कोर्ट के पिटीशन सिव्हील 91/2015 रिजर्व बैंक आफ इंडिया वि जयंतीलाल मिश्री का संदर्भ लें
सुचना डाकद्वारा चाहीये या व्यक्तीगत	डाकद्वारा
आवेदनकर्ता दारीद्रय रेशा के निचे है क्या	नहीं

ठिकाण :- नागपुर

दिनांक :- 18/03/2016

10 का पोस्टल ऑर्डर संलग्न है


आवेदन कर्ता की स्वाक्षरी

**Office of the Appellate Authority
under Right to Information Act, 2005
Indian Renewable Energy Development Agency Ltd
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066**

समरी एंनो - 1393

Decision No. 9

Dated 06.06.2016

In the matter of:-

Mr. Prem Sundar Prasad
C/O Sh. Madan Lal
Block-C, H. No. 56, J.J. Colony
Khanpur, Delhi 110 062

.....Appellant

Vs

Central Public Information Officer
Indian Renewable Energy Development Agency Limited
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

.....Respondent

1. Brief facts of the case:-

The present appeal dated 25.04.2016 has been preferred by the appellant against the order of CPIO dated 04.04.2016 and the same was received by the office of First Appellate Authority on 27.04.2016. The appellant namely Mr. Prem Sunder Prasad has originally made an application dated 26.02.2016 to CPIO which was received by CPIO on 29.02.2016. The applicant vide his application sought following information under the RTI Act, 2005:

- a) Please provide the name of supplier from where the sweet packets were procured on the occasion of Diwali during the financial year 2013-14.
- b) Name and designation of the officers who were involved in process of procurement of sweet packets.

आदेशित अधिकारी..... 07/6/2016
आदेशित अधिकारी..... 07/6/2016
आदेशित अधिकारी.....
आदेशित अधिकारी.....

- c) Total expenditure involved in procurement of sweet packets during the FY 2013-14.
- d) In regard to the procurement of sweet packets please provide the copy of following documents:-
 - a. Copy of all notings/correspondence in this regard.
 - b. Copy of the Purchase Order issued to the supplier.
 - c. Copy of receipt of advance payment, if any, made to the supplier.
 - d. Copy of final Bill raiser by the supplier.
 - e. Copy of all documents/vouchers wherein IREDA made the payment to supplier in advance/part/full payment.
- e) Please provide the following documents in regard to reimbursement of medical bills:
 - a. List of employees with designation to whom medical bills were reimbursed whether on empanelled or non-empanelled hospital during the FY 2013-14 also indicate the amount against each employee.
 - b. Copy of employee claim forms along with the bills claimed by them during the FY 2013-14.
 - c. Copy of Board agenda and Board decision & approval in regard to reimbursement of medical bills to the employees whether empanelled or non-empanelled hospital during the FY 2013-14.
 - d. Copy of all notings and correspondence of each & every employee's case who claimed reimbursement during the FY 2013-14.
 - e. Total expenditure incurred by IREDA in reimbursement of medical bills during the FY 2013-14.

2. Reply of CPIO

- 2.1 Information sought from Point No. 1-4 relates to procurement of sweet packets during the FY 2013-14. CPIO while providing the information sought by the applicant was of the view that the information sought under question bearing no. 4 is exempted from disclosure under Section 8(1)(d), 8(1)(e) & 8(1)(j) of the RTI Act, 2005 as the information sought is coming under the ambit of commercial confidence, trade secrets and also the information available to a person in his fiduciary relationship and the Competent Authority was not satisfied that any larger public interest warranting the disclosure of such information exists. CPIO also considered that disclosure of such information which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual, thus declined to provide the information sought under question bearing no. 4.
- 2:2 Information sought under Point No. 5 relates to reimbursement of medical bills

of employees of IREDA. CPIO while providing the information under points (a), (b) & (d) of question bearing no. 5 found that information sought are exempted from disclosure under Section 8(1)(e) & 8(1)(j) as the disclosure of such information has no relationship to any public activity or interest, or disclosure of such information would cause unwarranted invasion of the privacy of the individual, consequently declined to provide information of abovementioned points.

CPIO, however, has provided necessary information sought under questions bearing nos. 1, 2, 3, 5(c) & 5(e).

But applicant/ appellant was not satisfied with the information provided by CPIO and thus preferred the present appeal challenging the reply of CPIO by giving the reason of his dissatisfaction.

3. Ground of challenge the reply of CPIO

The appellant has challenged the reply of CPIO on the following grounds:

- 3.1 The information sought under Question bearing no. 4(a) to 4(e) are not exempted from disclosure under Section 8(1)(d), 8(1)(e) & 8(1)(j) of the RTI Act, 2005 as such information do not attract commercial confidence, trade secret or intellectual property & disclosure of which harm the competitive position of third party nor such information are of fiduciary in nature as it is a public procurement which should be transparent in large public interest. Such information also do not a personal information & further as per the proviso of Section 8(1)(j), the information which cannot be denied to parliament or state legislature shall not be denied to any person.
- 3.2 The information sought under Question bearing no. 5(a), (b) & (d) are not exempted from disclosure under Section 8(1)(e) & 8(1)(j) of the RTI Act, 2005 as such information are not of fiduciary in nature as it is a list of employees who are reimbursed the medical expenses bill by public money & in large public interest, such information also do not a personal information & further as per the proviso of Section 8(1)(j), the information which cannot be denied to parliament or state legislature shall not be denied to any person. Appellant also requested to obliterate the personal information, i.e. name of disease etc and ask for the remaining information sought under question bearing no. 5(b).
- 3.3 Appellant has also held the information provided by CPIO under Question bearing no. 5(c) as baseless and added that if there is no Board approval/decision regarding reimbursement of medical bills to the employees either empanelled or non-empanelled hospital during the FY 2013-14, then he may be given an opportunity to inspect the Board approval/decision of last 03 financial years as these are the public documents.

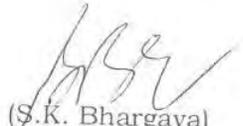
4. Observations and Decisions:-

- 4.1 After observing the application of applicant/appellant, reply of CPIO to his application and the grounds of appeal, I have examined the said provisions and

find that the necessary information with respect to Questions bearing nos. 1, 2, 3, 5(c) & 5(e) have already been provided by CPIO.

- 4.2 As far as the denial to provide information of question relating to procurement of sweet packets, it is observed that such information are protected from disclosure under 8(1)(d), 8(1)(e) & 8(1)(j), therefore, CPIO has legitimately declined to provide those information as such information relates to commercial confidence, trade secret and disclosure of which is likely to harm the competitive position of third party. These information is also of fiduciary in nature and relates to personal in nature and disclosure of the same has no relationship to any public activity or interest and will intrude upon the privacy of individual.
- 4.3 As far as the denial to provide information of question relating to reimbursement of Medical bills of employees of IREDA, reliance has been made upon the Judgment of the Hon'ble Supreme Court of India Subhash Chandra Agarwal vs The Registrar, Supreme Court of India (unreported), where the apex court held that the medical expenses incurred on judges and their family cannot be disclosed or made public under the Right to Information Act. In the said case, the Hon'ble Supreme Court refused to interfere with the Delhi High Court verdict which had dismissed a plea seeking details of medical reimbursements of Supreme Court Judges, saying it had personal information and providing it would amount to invasion of their privacy even though they are getting the reimbursement from public money for their treatment and entitled for it as per the service conditions. In view of the same, I hold that CPIO has legitimately declined to disclose the information under Section 8(1)(e) & 8(1)(j) in the conformity of the abovementioned judgment.
- 4.4 Appellant's apprehension that the information provided under Question bearing no. 5(c) was baseless is not found true. As far as the request of appellant to provide him an opportunity to inspect the relevant record is concerned, the same cannot be allowed as no Board approval/decision exists regarding to the reimbursement of medical bills to the employees either empanelled or non-empanelled hospital during the FY 2013-14 thus in the absence of any such record, permission for inspection doesn't arise. As far as the inspection of records of the last three financial year is concerned as the same was not requested in the application made to CPIO thus the same can't be considered at the appellate stage as the appellate authority is only empowered to examine the application and its reply and not to entertain a fresh matter which was not a part of the application made by applicant/appellant before CPIO. Otherwise also, based on the abovementioned Judgment of the Hon'ble Supreme Court, no details regarding medical bills can be provided thus question of allowing for inspection doesn't arise, consequently the appellant's request to obtain permission for inspection the official records is hereby rejected.

5. The present appeal is disposed of as dismissed for the reasons cited in the foregoing paras.
6. In case the appellant is aggrieved by the decision, he is free to file second appeal, if she so desires, before the CIC 2nd Floor, 'C' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110 066 against this order within 90 days.


(S.K. Bhargava)
First Appellate Authority (RTI)
06.06.2016

Date: 25/04/2016

To

Shri S. K. Bhargava, Director (Finance),
The First Appellate Authority,
 Indian Renewable Energy Development Agency Ltd.,
 3rd floor, August Kranti Bhawan, Bhikaji Kama Place,
 New delhi-110066

Sub: Appeal under the RTI Act 2005.

Sir

Please refer to my RTI application dated 26/02/2016 submitted on 29/02/2016 at the office of IREDA Ltd. & subsequent reply of CPIO vide letter No. 216/94/MS/20085/IREDA/Vol-XVIII/52 dated 04/04/2016. In this regard I herby appeal under RTI Act 2005 as under:

- (a) The response for the desired information was given vide above letter dated 04/04/2016 beyond the stipulated period of 30 days as mentioned in section 7(1) of the RTI Act 2005.
- (b) The CPIO has not given information of the following questions on various reasons:

Question	Grounds of rejection	Grounds of appeal		
		8(1)(d)	8(1)(e)	8(1)(j)
4. In regard to the procurement of sweet packets. Please provide the copy of following documents:	The CPIO has rejected to provide information on the following exemption			
(a) Copy of all noting / correspondence in this regard.	8(1)(d), 8(1)(e) & 8(1)(j)	The desired information is not the commercial confidence, trade secret or intellectual property & disclosure of which harm the competitive position of third party. The CPIO is trying to deny the information on baseless ground as the information sought is not a type of commercial confidence, trade secret or intellectual property.	The information is not of fiduciary in nature as it is a public procurement which should be transparent in large public interest.	The desired information is not a personal information & further as per the proviso of the 8(1)(j) the information which cannot be denied to parliament or state legislature shall not be denied to any person.
(b) Copy of the Purchase Order issued to the supplier.		As above	As above	As above
(c) Copy of receipt of advance payment, if any, made to the supplier.		As above	As above	As above
(d) Copy of final Bill raised by the supplier.		As above	As above	As above
(e) Copy of all documents / vouchers wherein IREDA made the payment to supplier in advance/ part / full payment.		As above	As above	As above
5 please provide the following documents in regard to reimbursement of medical bills:	8(1)(e) & 8(1)(j)			

5694
D(F)

Contd....

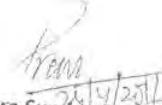
<p>list of employees designation to whom medical bills were reimbursed whether on empanelled or non-empanelled hospital during the FY 2013-14 also indicate the amount against each employee.</p>			<p>The information is not of fiduciary as it is a list of employees who are reimbursed the medical expense bill by public money & in large public interest.</p>	<p>The desired information is not a personal information & further as per the proviso of the 8(1)(j) the information which cannot be denied to parliament or state legislature shall not be denied to any person.</p>
<p>(b) Copy of employee claim forms along with the bills claimed by them during the FY 2013-14.</p>				<p>Please obliterate the personal information i.e name of disease etc. & rest of the information be provided.</p>
<p>(c) Copy of Board agenda and board decision & approval in regard to reimbursement of medical bills to the employees whether empanelled or non-empanelled hospital during the FY 2013-14.</p>	<p>Baselessly denied that there is no Board approval/decision regarding reimbursement of medical bills to the employees either empanelled or non-empanelled hospital during the FY 2013-14</p>	<p>If there is no Board approval/decision regarding reimbursement of medical bills to the employees either empanelled or non-empanelled hospital during the FY 2013-14, then please provide me the opportunity to inspect the Board approval/decision of last 03 financial years as these are the public documents. May be it possible that Medical bills of FY 2013-14 were approved in next FY.</p>		
<p>(d) Copy of all notings and correspondence of each & every employee's case who claimed reimbursement during the FY 2013-14.</p>			<p>As above</p>	<p>As above.</p>

Further, it is stated that the CPIO has unnecessary increasing the scope of section 8(1) of RTI Act to deny the information to me. As the information has a relation of larger public interest, the same should be provided to me as available in office records.

Therefore, it is requested that desired information be supplied without further delay & action be taken against the CPIO for not supplying the information within the stipulated time prescribed under RTI Act, 2005.

Encls:

1. Copy of RTI application dated 26/02/2016.
2. Copy of RTI reply dated 04/04/2016


 Prem Sundar Prasad
 C/o Sh. Madan Lal
 Block-C, H. No.56, J. J.
 Colony, Khanpur, Delhi-62

**Office of the Appellate Authority
under Right to Information Act, 2005
Indian Renewable Energy Development Agency Ltd
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaiji Cama Place,
New Delhi-110066**

डापरी नं० - 1091

Decision No. 8

Dated 16-05-2016

In the matter of:-

Ms. Alka Kumar
559/9 R K Puram,
New Delhi 110 022

Vs

.....Appellant

Central Public Information Officer
Indian Renewable Energy Development Agency Limited
(A Govt. of India Enterprise), Corporate Office: 3rd Floor,
August Kranti Bhawan, Bhikaiji Cama Place,
New Delhi-110066

.....Respondent

1. Brief facts of the case:-

The appellant has preferred the first appeal dated 06.04.2016 against the order of CPIO dated 12.03.2016 which was received by the office of First Appellate Authority on 07.04.2016. The appellant namely Ms. Alka Kumar has originally made an application dated 12.02.2016 to CPIO which was received by CPIO on the same day. The applicant vide her application sought following information under the RTI Act, 2005:

- i) Total amount to be recovered towards HRA over-payment
- ii) Period (to & from) for which HRA over-payment recovery to be made
- iii) From when the recovery started by IREDA
- iv) To provide details of recovery as under :
 - a) Total number of installments
 - b) Month-wise installment amount deducted
 - c) Any other amount adjusted against HRA over-payment recovery by IREDA and
 - d) How much amount has been recovered so far by IREDA?
- v) To provide a copy of the complaint with diary/dispatch number, if any, received by IREDA in regard to my House Rent Allowance.
- vi) A copy of letter(s) sent to the complainant by IREDA for getting confirmation that he/she has filed the complaint against me.
- vii) A copy of the reply received from the complainant by IREDA in this behalf.

16-5-16
3

- viii) Copy of official notings pertaining to my House Rent Allowance case of various departments/officials and the final decision/approval of the Competent Authority to initiate action in this case.
- ix) Copy of all correspondence including notings made by one department to another department and the decision of the Management from February, 2015 to till 10.02.2016.
- x) The basis of issuing the letter dt. 04.01.2016 by Sh. P. Sreenivasan, Disciplinary Authority along with the relevant correspondence/notings of various authorities.

CPIO has provided necessary information sought under questions bearing nos. i) to iv).

CPIO has however observed that the information sought under questions bearing nos. v), vi), vii) are exempted from disclosure under Section 8(1)(g) of RTI Act, 2005, and the questions bearing nos. viii), ix), and x) are exempted from disclosure of information under Section 8(1)(e) and Section 8(1)(h) as the information available was in fiduciary relationship and the Competent Authority was not satisfied that any larger public interest warranting the disclosure of such information exists. Also this information would impede the process of investigation or apprehension of offenders.

Since the appellant was not satisfied with the information provided by CPIO, preferred the present appeal challenging the reply of CPIO by giving the reason of his dissatisfaction.

2. Ground of challenge the reply of CPIO

2.1 The appellant has challenged the reply of CPIO on the following grounds:

- i) The information is sought by none other than the employee of IREDA and is about herself against whom disciplinary proceedings are imputed.
- ii) The appellant is interested in obtaining information i.e. contents of the official notings & correspondence not the personnel information of the complainant or any authority and that is too for her defence in the disciplinary proceedings.
- iii) The clauses 8(1) e, g & h which allow exemption from disclosure of the information do not apply in this case. According to her, clause 8(1)(e) is applicable where the larger public interest warrants the disclosure of information may not be desirable as such no public interest is involved in this case. Similarly, appellant contends in the appeal that Clause 8(1)(g) is also not applicable as the information sought for does not endanger the life or physical safety of the person as no law enforcement or security is involved in this case. She further contends that Clause 8(1)(h) is also not applicable in her case as there is no process of investigation or apprehension or prosecution of offenders in the present case.

2.2 The Appellant has further indicated that it is legally incorrect to deny the information which is against the principles of natural justice. And, in case, the Appellate Authority feels as some apprehension is involved then the

name and designation of the officer who made the said notings, correspondence, complaint, etc. may be obliterated and thus Appellant requested in the appeal to provide copy of official notings recorded in the file as well as the copies of the correspondence exchanged between different departments in IREDA after removing the following :

- a) The name and designation of the person recording the noting and writing the letter and;
- b) Any other indication in the noting and/or correspondence which may reveal or tend to reveal the identity of author of the noting/letter, as the case may be.

3. Observations and Decisions:-

- 3.1 Upon examination of all the factual aspects and legal provisions, I find that the exemptions mentioned by CPIO are in order. The Applicant is an employee of the Company and admittedly departmental proceedings are imputed. She further mentions that she would like to utilize the contents of notings etc. for her defense in the departmental proceedings. If the same is the situation, she can very well avail remedies /mechanism available under the rules and regulations of IREDA. No larger public interest, I see in the matter. The other rejected information has rightly been rejected and norms have been explained by CPIO.
- 3.2 While deciding the present appeal, I also examined, whether an employee is empowered to obtain information from its employer under the RTI Act, 2005 and in this regard, order of Central Information Commissioner in the matter of Dr. K.C. Vijayakumaran Nair (Order No. 883/IC(A)/2007, F. No. CIC/PB/A/2007/00373 dated 14.06.2007) has been relied upon. In the said appeal, Hon'ble CIC has held that *information seeker being an employee of the respondent is a part of the information provider. Under the RTI, the employees are not expected to question the decisions of the superior officers in the garb of seeking information. Such employees have access to internal mechanisms for redressal of their grievances. Unfortunately, a large number of the Government employees are seeking information for promotion of their personal interest. This is done on the pretext of serving the public cause, without realizing the extent of distortions that it causes in use of public resources due to putting up frivolous applications by them for self-interest. So the Hon'ble CIC held that the information seeker and the provider being part of the same system should work together for evolving approaches to remove irritants in their mutual interaction, as a lot of public resources devoted to provide service to the entire Indian community is thus un-productively used. They ought to exercise restraints in misusing the Act, lest they should dilute the mandate of RTI Act to empower the common man.* Thus the Hon'ble CIC held that CPIO is justified in denying the information sought.
- 3.2 In the light of the reasons provided in the reply of CPIO and the findings of this office as mentioned in the forgoing paras, First Appellate Authority comes to the conclusion that the CPIO has legitimately rejected the application of the

appellant/applicant by seeking the exemptions under Section 8(1)(e), Section 8(1)(g) & Section 8(1)(h) of the RTI Act, 2005 as per rule. The reply of CPIO was unambiguous, hence it doesn't require any further clarification.

4. The appeal is disposed of accordingly for the reasons cited above.
5. In case the appellant is aggrieved by the decision, she is free to file second appeal, if she so desires, before the CIC 2nd Floor, 'C' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi – 110 066 against this order within 90 days.


(S.K. Bhargava)
First Appellate Authority (RTI)
16-05-2016

To,

06.04.2016

The First Appellate Authority,
IREDA Ltd,
3rd floor, August Kranti Bhawan,
Bhikaiji Cama Place,
New Delhi-110066

*This is an Appeal in RTI -
D/F may kindly
see*

Sub: Appeal under Section 19 subsection 1 of the RTI Act 2005.

Sir,

Kindly refer to my RTI application dated 12.02.2016 & subsequent reply dated 12.03.2016 (copy enclosed) in which information sought in Question no. 5 to 10 of my application are rejected by CPIO, IREDA on the following grounds:

The information sought, ground of rejection & grounds for appeal is as follows:

Information sought	Grounds for rejection
5,6,7	Section 8(1)g
8,9,10	Section 8(1)e & Section 8(1)h

D/F

In the above matter, I am to submit that:

- i. The information is sought by none other than the employee of IREDA & is about myself, against whom disciplinary proceedings are imputed.
- ii. I am interested in obtaining information i.e contents of the official notings & correspondence not the personnel information of the complainant or any authority & that is too for my defence in the disciplinary proceedings.
- iii. The clauses 8(1)e, g & h which allows exemption from disclosure of the information do not apply in my case. These clauses are applicable where the larger public interest warrants the disclosure of information may not be desirable. In this case, no public interest is involved. Similarly, clause 8(1)g is also not applicable as the information sought for does not endanger the life or physical safety of the person as no law enforcement or security is involved in this case. Clause 8(1)h also stipulates that the information would impede the process of investigation or apprehension or prosecution of offenders, in this case there is no process of investigation or apprehension and there is no prosecution of any offender. It is the matter of record that the allegations brought out in the show cause notice are available on record and there is no investigative agencies which can put the physical safety for security purposes.

It is, therefore, legally incorrect to deny the information which is against the principles of natural justice. I, therefore, appeal to the Appellate Authority to allow me the information as sought for. In case, the Appellate Authority also feels as some apprehension is involved then the name and designation of the officer who made the said notings, correspondence, complaint etc. may be obliterated.

Therefore it is appealed that the copy of official notings recorded in the file as well as the copies of the correspondence exchanged between different departments in IREDA shall be provided to me after removing the following:

- a) The name and designation of the person recording the noting and writing the letter and;
- b) Any other indication in the noting and/or correspondence which may reveal or tend to reveal the identity of author of the noting/letter, as the case may be.

Alka Kumar
Alka Kumar
559/9 R K Puram,
New Delhi-110022
06/04/2016

Encls. as above.

4873
07/7/2016

21 APR 2016
4873
AGM(2)