

(FIRST APPEAL UNDER RIGHT TO INFORMATION ACT, 2005)

Date:21-09-2015

From

C.V.VIDYASAGAR RAO,
Advocate,
R/o.H.No.16-7-422/A,
Near New Life Hospital,
Chaderghat,
Hyderabad-500024
TELANGANA STATE
Cell No-9391222456



To

Shri S.K. Bhargava
The Director (Finance)/The First Appellate Authority under RTI
IREDA: New Delhi 110066.

Respected Sir

30 SEP 2015

127 32

DLF

Sub: Information under RTI Act,2005-First Appeal submitted.

- Ref:- 1. My Letter seeking information under RTI Act, 2005, dt.25.08.2015
2. Reply vide Lr.No.No216/94/Ms/2005/IREDA/3096, dated 11.09.2015
received from The AGM(Law)/CPIO (Received on 14.09.2015)

I wish to submit the following first appeal against the reply sent by the CPIO-IREDA for the application under RTI by me dated 25-8-2015 for your perusal and decision in the matter at the earliest.

I made a request for supply of an attested true copy of the letter dt: 17-12-2008 & 12-01-2012 issued by Shri C.D.Reddy Ex-Nominee Director of IREDA on the board of M/S. Sri Satyanarayana power(P) Ltd (A 4MW Bio- mass power plant availed project loan from IREDA project No.1381.)

The Central Public information officer has negated my request by quoting sub-sections (d),(h)&(j) of sec 8 (1) of RTI Act 2006.

The letter is the letters written by Shri CD Reddy , Ex nominee director of IREDA on the Board of M/S Sri Satyanarayana Power P Ltd. Which is a private limited company registered under provisions of companies Act,1956 and the report of the nominee director to a public sector enterprises was bracketed under these sub-sections defies logic and common sense which is the basic of the administration of Justice. Further the very purpose of this act is defined in the pre amble as that "An Act to provide for setting out the practical regime of right to information for

citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority”.

Therefore I may be permitted to tackle this contention one by one as follows.

1. The information requested by me is not an information of commercial confidence, trade secrets or intellectual property, the disclosure of which would form the competitive position of a third party. It is only an intimation to the public sector enterprise by the nominee director of a registered company under companies act more particularly availed huge public money as loan and defaulted the same for nearly a decade with no intention to repay by putting legal hurdles after hurdles to the recovery procedures.
2. This information is the letters in the files at a government of India Enterprises and the same is there years together. The CPIO did not elaborate how this disclosure will impede the process of investigation or apprehension or prosecution of offenders if at all any is pending. In general this exception is meant for the investigation agencies only and that too published in the government gazette as per section 24 of RTI Act. In fact this disclosure will enhance the strength of the prosecution as my locus-Standi is for the favour of prosecution as mentioned in my petition
3. This information is not personal information but the status of a company registered under companies Act and all the dealings under these letters are by a public sector enterprises of the Central Government and no invasion of privacy of any individual takes place at any instant.

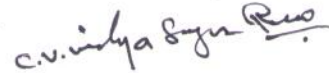
Therefore I would like to bring to the notice of the appellate authority in mild terms that the CPIO is erred in his judgment in comprehending this law.

The Very purpose of this law is to disseminate information and even the exemption gives power to the information officers and appellate authorities to satisfy themselves about the larger public interest to disclose such information.

Therefore, I once again reiterate that this letter does not fall under any of these 3 sub-sections and hence orders may kindly be passed to divulge this information on public interest and thus render justice.

I further humbly submit that the denial may raise a situation about the hands of any vested interests working against the interests of IREDA with in and the same can only be set right by your good self by issuing a judicious order with the letter and spirit of the act.

Yours faithfully,



(C.V. VIDYASAGAR RAO)
ADVOCATE.



IS/ISO 9001:2008 Certified

भारतीय अक्षय ऊर्जा विकास संस्था सीमित

(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

(A Government of India Enterprise)

कॉर्पोरेट कार्यालय : तीसरा तल, अगस्त क्रांति भवन, भीकाजी कामा प्लेस, नई दिल्ली-110 066

Corporate Office : 3rd Floor, August Kranti Bhawan, Bhikaiji Cama Place, New Delhi - 110 066

दूरभाष/Tel.: 011-26717400-12, फेक्स/Fax : 91-11-26717416, ई-मेल/E-mail: cmd@ireda.gov.in वेबसाइट/Website: www.ireda.gov.in



Dy.No.-3758

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

o/c

Decision No. 1

Dated 21.10.2015

Shri C V Vidyasagar, Advocate
R/o H.No.16-7-422/A, Near New Life Hospital,
Chaderghat, Hyderabad – 500024,
Telengana State

.....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

ORDER

1. Shri C.V. Vidyasagar Rao, filed an appeal dated 21.09.2015 (received on 30.09.2015) under the Right to Information Act, 2005 with the Appellate Authority against the reply of Central Public Information Officer (CPIO), IREDA Limited seeking following information.

"The attested true copies of both the letters written by Shri C D Reddy, Ex-Nominee Director of IREDA on the Board of M/s Sri Satyanarayana Power Pvt. Ltd. (A 4 MW Biomass Power Plant availed project loan from IREDA) dated 17.12.2008 and dated 12.01.2013."

2. As per record available, the application seeking above information was registered as Application No.258/2015 and following reply was provided by the CPIO within the stipulated

पंजीकृत कार्यालय : भारत पर्यावास केन्द्र, कोर-4-ए, ईस्ट कोर्ट, प्रथम तल, लोधी रोड, नई दिल्ली-110 003

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period under the Act.

Information sought by the applicant	Reply provided by CPIO
<p>The attested true copies of both the letters written by Shri C D Reddy, Ex-Nominee Director of IREDA on the Board of M/s Sri Satyanarayana Power Pvt. Ltd. (A 4 MW Biomass Power Plant availed project loan from IREDA) dated 17.12.2008 and dated 12.01.2013.</p>	<p>The information sought is exempted under Section 8 (1) (d), 8 (1) (h) & 8 (1) (j) of the RTI Act, 2005.</p> <p>The relevant provisions is reproduced as under:-</p> <p>8. Exemption from disclosure of information. —(f) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;</p> <p>(h) information which would impede the process of investigation or apprehension or prosecution of offenders;</p> <p>(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.</p> <p>In the light of the above provisions, the application is rejected.</p>

3. It is observed that the CPIO has examined the request made by the appellant and was of the view that information sought pertain to the loan sanctioned by IREDA to one company namely M/s Sri Satyanarayana Power Pvt. Ltd., for their 4MW Biomass Power Plant, which is a defaulter to the loan of IREDA and matters are



pending against the said company before civil as well as criminal forums.

DECISION:

In view of the above observations, I do not find any defect in the reply provided by the CPIO to the appellant. The appeal is disposed of. Copy of decision be sent to the Appellant as well as to CPIO.



(S. K. Bhargava)
Appellate Authority

(FIRST APPEAL UNDER RIGHT TO INFORMATION ACT, 2005)

Date:21-09-2015

From

C.V.VIDYASAGAR RAO,
Advocate,
R/o.H.No.16-7-422/A,
Near New Life Hospital,
Chaderghat,
Hyderabad-500024
TELANGANA STATE
Cell No-9391222456



To

Shri S.K. Bhargava
The Director (Finance)/The First Appellate Authority under RTI
IREDA: New Delhi 110066.

DLN

Respected Sir

30 SEP 2015
12731

Sub: Information under RTI Act,2005-First Appeal submitted.

Ref:- 1. My Letter seeking information under RTI Act, 2005, dt.25.08.2015
2. Reply vide Lr.No.No216/94/Ms/2005/IREDA/3097, dated 11.09.2015
received from The AGM(Law)/CPIO (Received on 14.09.2015)

I wish to submit the following first appeal against the reply sent by the CPIO-IREDA for the application under RTI by me dated 25-8-2015 for your perusal and decision in the matter at the earliest.

I made a request for supply of an attested true copy of the letter dt: 20-11-01 sent by M/S. Sri Satyanarayana power(P) Ltd to IREDA informing about the change of communication address for all the future correspondence with respect to M/S. Sri Satyanarayana power(P) Ltd.(A 4MW Bio-mass power plant availed project loan from IREDA project No.1381.)

The Central Public information officer has negated my request by quoting sub-sections (d),(h)&(j) of sec 8 (1) of RTI Act 2006.

The letter for the change of address by a limited company registered under companies act to a public sector enterprises was bracketed under these sub-sections defies logic and common

sense which is the basic of the administration of Justice. Further the very purpose of this act is defined in the pre amble as that **"An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority"**.

Therefore I may be permitted to tackle this contention one by one as follows.

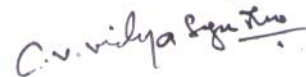
1. The information requested by me is not an information of commercial confidence, trade secrets or intellectual property, the discloser of which would form the competitive position of a third party. It is only an intimation to the public sector enterprise by a registered company under companies act more particularly availed huge public money as loan and defaulted the same for nearly a decade with no intention to repay by putting legal hurdles after hurdles to the recovery procedures.
2. This information is a letter in the files at a government of India Enterprises and the same is there for more than a decade. The CPIO did not elaborate how this discloser will impede the process of investigation or apprehension or prosecution of offenders if at all any is pending. In general this exception is meant for the investigation agencies only and that too published in the government gazette as per section 24 of RTI Act. In fact this disclosure will enhance the strength of the prosecution as my locus-Standi is for the favour of prosecution as mentioned in my petition
3. This information is not personal information but the address of a company registered under companies Act and all the dealings under this letter is by a public sector enterprises of the Central Government and no invasion of privacy of any individual takes place at any instant.

Therefore I would like to bring to the notice of the appellate authority in mild terms that the CPIO is erred in his judgment in comprehending this law.

The Very purpose of this law is to disseminate information and even the exemption gives power to the information officers and appellate authorities to satisfy themselves about the larger public interest to disclose such information.

Therefore, I once again reiterate that this letter does not fall under any of these 3 sub-sections and hence orders may kindly be passed to divulge this information on public interest and thus render justice.

Yours faithfully,



(C.V. VIDYASAGAR RAO)
ADVOCATE.



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(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

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Dy.No. - 3759

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

o/c

Decision No. 2

Dated 21.10.2015

Shri C V Vidyasagar, Advocate
R/o H.No.16-7-422/A, Near New Life Hospital,
Chaderghat, Hyderabad – 500024,
Telengana State

.....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

ORDER

1. Shri C.V. Vidyasagar Rao, filed an appeal dated 21.09.2015 (received on 30.09.2015) under the Right to Information Act, 2005 with the Appellate Authority against the reply of Central Public Information Officer (CPIO), IREDA Limited seeking following information.

"The attested true copy of the letter dated 20.11.2001 sent by M/s Sri Satyanarayana Power (P) Ltd. to IREDA informing about the change of communication address for all the future correspondence with respect to M/s Sri Satyanarayana Power Pvt. Ltd. (A 4 MW Biomass

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Power Plant availed project loan from IREDA-Project No.1381)."

2. As per record available, the application seeking above information was registered as Application No.257/2015 and following reply was provided by the CPIO within the stipulated period under the Act.

Information sought by the applicant	Reply provided by CPIO
<p>The attested true copy of the letter dated 20.11.2001 sent by M/s Sri Satyanarayana Power (P) Ltd. to IREDA informing about the change of communication address for all the future correspondence with respect to M/s Sri Satyanarayana Power Pvt. Ltd. (A 4 MW Biomass Power Plant availed project loan from IREDA-Project No.1381).</p>	<p>The information sought is exempted under Section 8 (1) (d), 8 (1) (h) & 8 (1) (j) of the RTI Act, 2005.</p> <p>The relevant provisions is reproduced as under:-</p> <p>8. Exemption from disclosure of information. — (/) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;</p> <p>(h) information which would impede the process of investigation or apprehension or prosecution of offenders;</p> <p>(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public</p>



	interest justifies the disclosure of such information. In the light of the above provisions, the application is rejected.
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3. It is observed that the CPIO has examined the request made by the appellant and was of the view that information sought pertain to the loan sanctioned by IREDA to one company namely M/s Sri Satyanarayana Power Pvt. Ltd., for their 4MW Biomass Power Plant, which is a defaulter to the loan of IREDA and matters are pending against the said company before civil as well as criminal forums.

DECISION:

In view of the above observations, I do not find any defect in the reply provided by the CPIO to the appellant. The appeal is disposed of. Copy of decision be sent to the Appellant as well as to CPIO.



(S. K Bhargava)

Appellate Authority

Registered

Dated : 25.09.2015

To,

Sh. S K Bhargava,
Director (Finance)/Appellate Authority,
Indian Renewable Energy Development Agency Ltd.,
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi- 110066

Sub : Appeal under RTI Act, 2005

Sir,

The appellant respectfully submits as under:-

The applicant and his wife have been the Shareholders and Directors of Naraingarh Sugar Mills Ltd., Village Balondi, Naraingarh, Distt. Ambala. The following information under the RTI Act was sought from the PIO, IRADA, New Delhi:-

1. Copy of the Resolution passed by the Board of Directors of the Naraingarh Sugar Mills whereby Baldev Singh Kang and his wife Ravinder Kaur Kang have been removed as Directors of the Naraingarh Sugar Mills Ltd., Distt. Ambala.
2. Copy of the Resolution of the Board of the Directors of Naraingarh Sugar Mills whereby particular Director like Jitender Anand or anybody else has been authorised to sign the papers or has been appointed as Managing Director of the Mill and copy of Form No. 32.
3. Copy of the Resolution of Board of Directors of Naraingarh Sugar Mills Ltd. whereby Baldev Singh Kang was removed as Managing Directors of the Mill and copy of Form No. 32.
4. The PIO vide his letter No. 3039 dated 09.09.2015 (copy enclosed) has declined to give the requisite information. The said order is illegal and wrong. He has misinterpreted the provisions of section 8 of the RTI Act. The information sought by the applicant is not covered by the provisions of section 8(1)(d), 8 (1) (e), 8 (1) (h) and 8 (1) (j) of the RTI Act. The sought information does not relate to any commercial confidence, trade secret or intellectual property which could harm the competitive spirit of the IREDA. The applicant has been a Director and Shareholder of the Naraingarh Sugar Mills and

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something fishy in the matter of granting of loan and they want to keep the things secret. The disclosures of the information is not likely to impede the process of investigation or apprehension or prosecution of offenders i.e. Jatinder Anand and others.

The provisions of section 8(j) also do not apply to the facts of the case because the appellant himself is an interested to help IREDA and expose the persons who are responsible in taking loan from IREDA by fraudulent means keeping the directors of the company Sugar Mill in dark and by cheating the IREDA. The supply of the information will help the appellant to expose guilty persons in IREDA who connived with Jatinder Anand, Renu Anand and Rahul Anand in getting the loan.

5. The other relevant particulars are given below:-

1. Name of the applicant : B S Kang S/o. Sh. Pal Singh Kang
2. Address : H.No. 39, Sector-5, Chandigarh
3. Purpose : For legal purposes.
4. Postal Order Details : Postal Order as fee for the appeal.

The appeal may kindly be accepted in the requisite information as mentioned above may be got supplied immediately.

Thanking you,

Yours faithfully,



(B S Kang)

H.No. 39, Sector-5,
Chandigarh



IS/ISO 9001:2008 Certified

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(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

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Dy.No. - 3760

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

o/c

Decision No. 3

Dated 21.10.2015

Shri B S Kang
R/o H.No.39, Sector-5
Chandigarh

.....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

ORDER

1. Shri B.S.Kang, filed an appeal dated 25.09.2015 (received on 06.10.2015) under the Right to Information Act, 2005 with the Appellate Authority against the reply of Central Public Information Officer (CPIO), IREDA Limited seeking following information.
 - (1) Copy of the application and other relevant documents whereby loan was applied by the Naraingarh Sugar Mill through the Directors like Jitender Anand, Renu Anand and Rahul Anand etc.
 - (2) Copies of all those relevant documents whereby loan was sanctioned / granted and paid to the Naraingarh Sugar Mills or any particular Director of the Mill.

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- (3) Copy of the relevant document showing the exact amount of the loan sanctioned and granted and copy of the cheque / draft paying the loan.
 - (4) Copy of the Resolution of the Naraingarh Sugar Mills bearing the signatures of all the Directors whereby it was decided to take the loan by the Mill and purpose of the loan.
 - (5) Copy of the statement of account relating to the loan paid and recovered from Naraingarh Sugar Mills.
 - (6) Copies of the documents of guarantee and names of the guarantors for repayment of the loan.
 - (7) Copy of the order passed on the reply dated 27.07.2015 of the notice sent by AJ Law Associates, Chandigarh on behalf of the applicant.
 - (8) Copy of the report of the concerned officer / officers who recommended the grant of loan and copy of the order whereby loan was sanctioned.
 - (9) Copies of all those documents which are not covered by queries 1 to 8.
2. As per record available, the application seeking above information was registered as Application No.256/2015 and following reply was provided by the CPIO within the stipulated period under the Act.

Information sought by the applicant	Reply provided by CPIO
Copy of the application and other relevant documents whereby loan was applied by the Naraingarh Sugar Mill through the Directors like Jitender Anand, Renu Anand and Rahul Anand etc.	The information sought is exempted under Section 8 (1) (d), 8 (1) (e), 8 (1) (h) & 8 (1) (j) of the RTI Act, 2005. The relevant provisions is reproduced as under:-
Copies of all those relevant documents whereby loan was sanctioned / granted and paid to the Naraingarh Sugar Mills or any particular Director of the Mill.	8. Exemption from disclosure of information. —(f) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—
Copy of the relevant document showing the exact amount of the loan sanctioned and granted and copy of the cheque / draft paying the loan.	(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless



Copy of the Resolution of the Naraingarh Sugar Mills bearing the signatures of all the Directors whereby it was decided to take the loan by the Mill and purpose of the loan.	the competent authority is satisfied that larger public interest warrants the disclosure of such information;
Copy of the statement of account relating to the loan paid and recovered from Naraingarh Sugar Mills.	(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
Copies of the documents of guarantee and names of the guarantors for repayment of the loan.	(h) information which would impede the process of investigation or apprehension or prosecution of offenders;
Copy of the order passed on the reply dated 27.07.2015 of the notice sent by AJ Law Associates, Chandigarh on behalf of the applicant.	(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.
Copy of the report of the concerned officer / officers who recommended the grant of loan and copy of the order whereby loan was sanctioned.	
Copies of all those documents which are not covered by queries 1 to 8.	In the light of the above provisions, the application is rejected.

3. It is observed that the CPIO has examined the request made by the appellant and was of the view that the information sought is pertaining to the loan of Rs.103.39 crores sanctioned by IREDA to M/s Naraingarh Sugar Mills Limited for setting up 25 MW bagasse based cogen plant at Village - Banondi, Taluka - Naraingarh, District Ambala of Haryana under Project no. 2013, wherein **Directorate of Enforcement, Mumbai, has passed an order No. 24/2014**, dated 31.12.2014 in regard to attachment of plant (M/s Naraingarh Sugar Mills Ltd. situated at Village - Banondi, Taluka - Naraingarh, District Ambala of Haryana) under Money Laundering Act, 2002. IREDA being a Lender in the aforesaid loan, is appearing / contesting, in the aforesaid matter

DECISION:

In view of the above observations, I do not find any defect in the reply provided by the CPIO



to the appellant. The appeal is disposed of. Copy of decision be sent to the Appellant as well as to CPIO.



(S.K Bhargava)
Appellate Authority

First Appeal under Right to Information (RTI) Act 2005

Karol Bagh, New Delhi
December 11, 2015

To,

✓ The First Appellate Authority
{ Shri S K Bhargava, Director (Finance) }
IREDA, August Kranti Bhavan
B.C. Palace, New Delhi-66

Subject: First Appeal under RTI Act 2005 – reg

Dear Sir,



This is with reference to the recruitment of "Technical Officers" along with various posts vide advertisement no IREDA/HR/Rectt.2014/001 of which the written test and interview was held on 26th July and 16th September 2015, respectively and the final results have been declared on the IREDA website recently on 15th or 16th October 2015.

2. During the interview for the post of Technical Officer on 16th September 2015, the performance of the undersigned was up to the fullest level of satisfaction of the eminent interview panel and of myself where the suitability of the undersigned was found beyond doubt by the eminent interview panel for the appointment

3. Initially only 3 posts of the technical Officers (2 UR + 1 OBC) were advertised and during the interview I had got the hint at least 3 times from the conversation of HR/Personnel officials that one post has already been fixed for Ms. Ms. Lalitha Sahukaru from the higher/highest level. Since I was not able to record the above episodes into my phone and obviously the concerned officials would not testify and confirm their conversations/talks as pointed out above and also due to the fact that my interview had already gone much well and I was confident of my selection under another UR post, I dint make any representation and before making any complaint/allegation of undue favor or lack of objectivity or fairness in the examination/selection process, I waited for some details/conclusive/supporting information/reply from the RTI application for the questions as mentioned below in the succeeding paragraph.

4. Also since 5 candidates were selected by the IREDA later on for the post of Technical Officer; having not found my name under the list of selected candidates, I was almost shocked and under a state of complete confusion and subsequently, I requested the concerned CPIO in IREDA, through my RTI application dated 23.10.2015 (Annexure A), to kindly provide me the information under the RTI Act 2005 so that I could realize the weakness on my part and the factor of unsuitability for the above post and could also ensure that a due diligent, fair, unbiased and transparent recruitment process is being followed by us in our esteem organization i.e. IREDA.

5. I have received a reply from the respected CPIO Shri A B Kiran, Asst. General Manager (Law) from IREDA, a copy of which is enclosed herewith and may kindly be seen at "Annexure B". From the reply given by the CPIO, It may be clearly felt that he doesn't even seem to be adequately aware of the various sections and related procedures under the RTI ACT 2005 along with its true object and spirit and has out-rightly and perhaps deliberately withheld all the information trying to protect them under various provisions of section 8 of the RTI Act 2005.
6. The CPIO has even withheld information related to the applicant himself by citing them as 'third party information'. He denies even the note-sheets related to recruitment which was initiated within the IREDA by citing it as the Information relating to commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party under section 8(1)d of the Act. The CPIO is also unaware of the procedure prescribed under section 11 of the Act as per which if some information pertains to the Third Party he is required to seek permission from them and subsequently disclose the information. *With complete ignorance of the RTI Act, Even the details of expenditure by IREDA i.e. the amounts / payments/reimbursements made to each of the candidates as Travel allowance/Amount along with copies of their to and fro journey tickets/proofs as submitted by them after the interview have been denied under "fiduciary relationship" clause under section 8(1).e of the Act.*
7. The greatest grief for the whole nation is that the CPIO sahib says that the reservation roster maintained by IREDA is a confidential document. Further, the level of knowledge and excellence of the respected CPIO and their HR administration/Dept in IREDA is such that despite their total employee strength (From each Peon to CMD) being limited to 150 (And number of "Technical Officers" limited to at max 10), The CPIO has stated that they have been able to successfully maintain a "Roster i.e. a list of reservation" in such a way that it has become too voluminous to provide through post. The officer accordingly has also requested me that I should inspect these voluminous data at my convenience and has even gone to the extent of threatening me that for this i would be charged towards executive man days for the deployment of executives for this purpose.
8. The CPIO also seems to be completely unaware of the various CIC and Supreme Court Judgements and that of DoPT Instructions and Orders detailing the fact that civil appointments, especially where the recruitment is done through the process of written examination and Interviews, are matter of public interest where complete transparency and fairness of the process are required through the open disclosure of details like criteria of selection, weightage of written exam and interview , marks scored by the candidates during the Interview and merit list indicating the marks etc through the website (and also through the RTI Act.2005) as soon as the recruitment process is completed.
9. Having felt completely mentally harassed from such a tragic RTI reply and being totally aggrieved by the reply by the CPIO, I hereby file the first appeal under section 19 of the RTI Act 2005 and request that the appropriate decision/order may be passed by the Hon'ble First Appellate Authority of IREDA under the RTI Act 2005. The point wise information sought under the application, the reply from the CPIO thereto along with the ground for the first appeal and

the prayer to / relief sought from the Honb'le First Appellate Authority by the undersigned is mentioned in the table below:

Information/Details sought under RTI Application	Reply from the CPIO , IREDA	Appeal (along with clarification and grievance) against the Reply from the CPIO
<p>(a). The copy of applications along with all relevant mark sheets and Certificates (of experience) and Bio data form etc submitted by all the 5 selected candidates during the application/selection process.</p>	<p>Information pertains to the third party, thus, the same cannot be disclosed.</p> <p>Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:-</p> <p>Section 8. Exemption from disclosure of information. —(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>	<p>Here the CPIO has not been sensitive enough to feel that the above information sought relates to the recruitment process which is always treated in the Public Interest.</p> <p>The CPIO has also been unaware of Section 11 of the RTI Act 2005 according to which if CPIO feels some information as the "Third party information" than he shall, within five days from the receipt of the request, give a written notice to such third party of the request 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. Even no such move has been indicated by the Hon'ble CPIO.</p> <p>I would like to respectfully point out to the Authority that I have sought this information in public interest so that the transparency and fairness during the present recruitment/selection process could be ensured.</p> <p>It may already be known to the Hon'ble Authority that the basic information like name, proof of date of birth, educational qualifications, category certificates, experience certificates etc are never treated as the third party information and are always disclosed under the RTI Act</p>

		<p>2005 in the public interest.</p> <p>[The undersigned himself has dealt with many such RTI cases while his previous engagement of over 3 years with BEE/Ministry of Power and is aware of many precedents of the Central Government agencies including Ministry of Power and other Ministries where such basic details are never treated as third party information and are always disclosed under the RTI Act 2005.]</p> <p>It is, therefore, requested that the CPIO may be directed to disclose the information immediately. In case the Hon'ble Authority feels that there is/are some part of the information which needs to be treated as "third party information" than he can kindly direct the CPIO for the immediate partial disclosure along with action specified under section 11 of the RTI Act 2005.</p>
<p>(b). A copy of answer sheet of Ms Lalitha Sahukaru during the written test held on 26TH July 2015.</p>	<p>Information pertains to the third party, thus, the same cannot be disclosed.</p> <p>Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:-</p> <p>Section 8. Exemption from disclosure of information. —(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>	<p>The undersigned realizes that this information is, indeed, deemed to be fit for its classification as the "Third party information" under the RTI Act 2005.</p> <p>Since the applicant had already heard from the IREDA employees themselves that the selection of Ms Lalitha Sahukaru was already prefixed in IREDA, The applicant finds it appropriate that the other relevant grievance redressal authorities in the concerned Ministry i.e. MNRE and CVC etc would be the right place to approach for an impartial and fair enquiry on this issue.</p> <p>It is, accordingly, requested that</p>

		<p>the action in terms of section 11 of the RTI Act 2005 may not be an appropriate at this stage and it is, thereby, prayed that no action needs to/should be taken by the Hon'ble Authority/CPIO with respect to this point.</p>
<p>(c). Details/List of marks obtained by all the 24 candidates during the written examination and Interview process separately or cumulatively or in any manner whichever available along with marks used while the final arriving to the final selection list.</p>	<p>Information pertains to the third party, thus, the same be disclosed.</p> <p>Also the information sought is exempted under Sec (e) of RTI Act, 2005. The same is reproduced as under</p> <p>Section 8. Exemption from disclosure of information. —(f) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>	<p>Here also the CPIO has not been sensitive enough to feel that the information sought relates to the recruitment process which is always treated to be disclosed under the Public Interest.</p> <p>The CPIO also seems to be unaware of Section 11 of the RTI Act 2005 according to which if CPIO feels some information as the "Third party information" than he shall , within five days from the receipt of the request, give a written notice to such third party of the request 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. Even no such move has been indicated by the Hon'ble CPIO.</p> <p>Further, CPIO seems to be completely indifferent to the fact that since the process of selection has already been completed, as per the present Supreme Court and CIC Pronouncements in effect since 2011, its obligatory on the part of examining bodies/selection authorities/organizations to disclose the relevant details up to its entirety e.g. the short listing/selection criteria adopted during</p>

	<p>the process , marks obtained by candidates , merit list of the candidates along with marks obtained by them during the process on whichever criteria having been considered for final selection etc so as to satisfy every candidate and to reflect complete fairness and objectivity in the recruitment/Selection process.</p> <p>Even CPIO seems to be unaware of the frequent GoI/DoPT instructions and orders whereby it has been reiterated to the Departments/Authorities that information relating to the recruitment, promotion, transfer etc should be made available in the public domain promptly under the suo-motu disclosures to be made under section 4 of the RTI Act. A copy of latest such order from DoPT vide OM No 1/34/2013-IR, Dated 29th June 2015 is enclosed herewith as Annexure-C.</p> <p>It is, therefore, requested that the CPIO may be directed to disclose the information immediately.</p> <p>The undersigned is approaching to Hon'ble Prime Minister/DoPT for the compliance of GoI/DoPT instructions and to make it mandatory for every public authority to upload such information in their website in a strict time bound manner under section 4 of the RTI Act. <i>Meanwhile it is requested that the Appellate Authority may also like to consider passing an order/suggestion to the CPIO /competent authority in IREDA to immediately make the information</i></p>
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		<p>public through its website too so that IREDA may be under compliance of the DoPT OM No 1/34/2013-IR , Dated 29th June 2015 (Annexure C).</p>
<p>(d). A copy of detailed reservation rosters maintained by IREDA as per the standing MHA instructions and latest DoPT guidelines after its applicability in case of the presently selected 5 posts of Technical Officers in the detailed roster.</p>	<p>IREDA is maintaining reservation roster as per GOI guidelines and while notifying the vacancies. The records are voluminous and confidential in nature. Further, it is not possible to provide a copy of the detailed reservation roster, however, applicant may inspect the document as per his convenience. Indeed fee may be charged towards executive man-days for deployment of Executive for this purpose.</p> <p>Reservation Guidelines issued by DOPT may be collected from their website.</p>	<p>This has been the biggest grief for the whole nation that the CPIO sahib says that the reservation roster maintained by IREDA is a confidential document.</p> <p>Further, the level of knowledge and excellence of the respected CPIO and their HR administration/Dept in IREDA is such that despite their total employee strength (From each Peon to CMD) being limited to 150 (And number of "Technical Officers" limited to at max 10), CPIO/IREDA has been able to successfully maintain a "Roster ie a list of reservation" in such a way that it has become too voluminous to provide through post. The officer accordingly has also requested me that I should inspect these voluminous data at my convenience and has even gone to the extent of threatening me that for this i would be charged towards executive man days for the deployment of executives for this purpose</p> <p>It is already known that IREDA is unaware of the fact that Reservation roster are always maintained based on the specific type of posts or in some cases by grouping together different posts with similar pay scale/functions etc and are maintained separately for separate category of posts, which even for all the employees of the IREDA can never be of more than of 4-5 pages.</p>

		<p>Since the Appellate Authority being a "quasi-judicial body" cannot direct for the creation of new information under the RTI Act 2005, No action/order/relief is prayed from him.</p> <p>This being a very serious matter, the applicant is already approaching the Hon'ble National Commission for Schedule Caste (NCSC) along with the Hon'ble PM, DoPT and Concerned Ministry for justice (with respect to this issue) to not only every citizens belonging to SC/ST/OBCs but also to the nation as a whole by mandatory disclosure/web-uploading of the updated "reservation rosters" by every public agencies as per the suo-motu disclosure under section 4 of the RTI Act 2005. (So that the principle of "Affirmative action" through policy of "Reservation" can be effectively enforced and the nation can get an inclusive, merit based, efficient and effective Public Service Management/Human Resource Management with maximum effectiveness and inclusion with minimum need of reservations in our country as soon as possible).</p>
<p>(e). A copy of complete note sheets initiated so far pertaining to the selection of Technical Officer vide the above mentioned advertisement.</p>	<p>The Information sought is confidential in nature in terms of Section 8 (1) (d) of RTI Act, 2005, thus, cannot be provided/disclosed.</p>	<p>With respect to this point, there is again a well settled position after the decision on Subhash Chandra Agrawal Appeal Case and the subsequent Hon'ble SC/CIC/SICs judgments that the note-sheets relating to recruitment process have to be disclosed under RTI Act 2005.</p> <p>The CPIO has stated that the information sought is confidential in</p>

		<p>nature in terms of Section 8 (1) (d) of the Act under which the information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party cannot be discussed, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;</p> <p>It can be seen that the information sought is entirely under the "Public-interest" and serves the larger purpose of ensuring "Transparency", "Fairness", "Accountability" and "Responsiveness" in our public employment process.</p> <p>As far as the claim of "confidential" nature and "Third party information" including competition etc is concerned, it may be noted that so many communications and notes-sheet relating to not only recruitment but of any nature within Central Secretariat and Public Agencies find mentions of different stake holders, Individuals, applicants, interview panel, Competent Authorities, NGOs, Other fellow public Offices and Private companies, even the Cabinet decisions etc which are surely treated and marked as 'confidential' 'secret' etc till the completion of the Decision making/awarding of contract/recruitment/selection process. All these information and note-sheets are always disclosed under the RTI Act 2005 after the completion of the processes in consideration (recruitment in this case) up to the extent that it doesn't</p>
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		<p>encroach upon the "domain of secrecy" specified under the RTI Act 2005 for the interest of "National Security" and other 7 reasons as provided under the RTI Act 2005.</p> <p>Even the mention of any agency hired by IREDA e.g. Central Board of Irrigation and Power (CBIP) { which is again one of our premier technical institute almost of the "Public Nature" only } etc cannot put the CPIO at a situation to treat the note-sheets as relating to third parties or to be of "confidential" nature.</p> <p>Perhaps CPIO seems to have been either unaware or have neglected the above facts along with the provision under Section 8(2) read along with Section 22 of the RTI Act 2005 which is so wider in its scope that for serving the public interest and the true object of "Transparency" , "Accountability" , "predictability" and "Participation" , it overrides all other laws of the Land including Official Secrets Act 1923 , Civil Service Conduct Rule 1964 , Indian Evidence Act 1872 , Manual of Office procedure and even to exemptions made under the its own provisions under section 8(1). .</p> <p>Accordingly, <i>It is requested that the Applette Authority may kindly direct the CPIO for immediate disclosure of all note-sheets along with the correspondence documents.</i> Although in case of any document of substantially "Confidential" nature disclosure of which may be susceptible to cause more harm than serving the Public</p>
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		Interest , CPIO may be directed to withhold them and to make partial disclosure as provided under the RTI Act 2005.
(f). The details of amounts / payments/reimbursements made to each of the 34 candidates as Travel allowance/Amount along with copies of their to and fro journey tickets/proofs as submitted by them after the interview.	<p>Information pertains to the third party, thus, the same cannot be disclosed.</p> <p>Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:-</p> <p>Section 8. Exemption from disclosure of information. --(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>	<p>The details of Public Expenditure eg. Amounts, Receipts for expenditures/payment, Tour/Travel tickets etc are never treated as the 3rd Party information. In fact various Central Ministries and Government Agencies are regularly providing the tour expenditure details , certificate of Utilization etc. made by Public and even private functionaries and agencies out of Public funds. Even the details of mobilization and utilization of different grants provided to and spent/utilized by NGOs/CSOs/Implementing bodies (both PPP and Private) are always open to disclosure under RTI Act 2005.</p> <p>It seems that either the CPIO is completely indifferent to present trend of "Governance" including the true object and spirit of the RTI Act 2005 or has withheld this information deliberately by interpreting the act with "colonial hangover of secrecy".</p> <p><i>Accordingly, CPIO may be directed for the immediate disclosure of this information.</i></p>
(g). Kindly indicate in very brief that whether CCTV cameras are installed and operational in the IREDA official premises and in	No, CCTV cameras are installed in the IREDA official premises and in front of interview hall.	<p>Although the reply of the CPIO is ambiguous without no clear cut meaning but it seems that there has been grammatical/typographical mistake from his part.</p> <p>Although in the Applicants' understanding, the CPIO has tried</p>

<p>front of Interview hall? If yes, whether the full uncut recording 16.09.2016 could be made accessible to the relevant grievance redressal authorities in IREDA/MNRE/CVC if desired and directed by the competent authorities in IREDA/Gol.</p>		<p>to convey that no CCTV camera is installed in the IREDA official premises and in front of the interview hall, CPIO may be directed to clarify and clearly state the answer again.</p>
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10. It is further humbly submitted by the undersigned that after honestly dealing with various kinds of RTI cases in the same Central Government for many years and learning so much theoretically through dozens of reports of different committees and commissions and after developing the hopes and dreams of the fair, accountable, transparent and responsive paradigm Governance through the RTI Act 2005 as a true citizen , dedicated student and devoted practitioner of Public Administration , Energy Efficiency , Renewable Energy and Climate Change , *receiving such a disappointing reply from the CPIO of our own esteemed organization like IREDA , under the same RTI Act , has really gone undigested and has been a mental harassment of a greatest possible level of severity.*

It is accordingly prayed that the Hon'ble Appellate Authority orders/recommends to the IREDA for adequate additional mandatory training from DoPT, capacity building and rigorous sensitization of the CPIO Shri A.B. Kiran , AGM(Law) so as to ensure the truthful implementation of the RTI Act 2005 by him as a CPIO so that no such harassment happens with other fellow citizen in future. A copy of such an order from IREDA may be conveyed to the undersigned also so that he may not need to approach and pray Hon'ble CIC separately in this regard. *It is also prayed that as a compensation for the mental harassment, all the information to the undersigned may be provided by the CPIO free of cost and in the strict time bound manner, possibly within 7 days of the judgment/decision of the Hon'ble Authority.*

11. I humbly pray before the Hon'ble Appellate Authority to kindly deliver his decision/order while keeping in view the larger objective and spirit of the RTI Act 2005 without any "bureaucratic veil of secrecy" **as suggested/instructed by our own most esteemed Prime Minister Shri Narendra Modi** recently during the **10th annual convention of the Central Information Commission** held on 16th October 2015. Since deciding appeals under the "RTI Act 2005 "is a

“quasi-judicial function”, It is, accordingly, prayed that the appellate authority should see that the justice is not only done but it should also appear to have been done i.e. the decision should be delivered so as to obey the spirit and not just to suffice for the letter part of the law i.e. the RTI Act 2005. (We already know very well that with some administrative knowledge and skills the spirit of law can easily be defeated without violating its letter, as seem to have been unsuccessfully tried by the CPIO also in this case).

Since the Hon'ble Authority must be aware of different SC/CIC/SICs judgments, I don't think it necessary to mention or enclose them in the appeal; yet **I mention below some of the lines as conveyed by our Hon'ble Prime Minister himself to CIC/ICs/SICs recently during the 10th Annual Convention of CIC:**

- **“RTI should be used, first and foremost, to better the process of governance.”**
- **“In this age there is no need for secrecy. More openness in governance will help citizens.”**
- **“When matters go online, transparency increases automatically. Trust also increases.”**
- **“The aim of RTI must be to bring about a positive change in governance.”**
- **The right to information is not only about the right to know but also the right to question.”**

12. Since the undersigned has been a student with busy study-schedules and he already has full faith and belief upon the Hon'ble First Appellate Authority under RTI Act 2005, he doesn't pray for the personal hearing. The conveying of decision and information along with any further correspondence by the Hon'ble Authority / CPIO etc to the undersigned may kindly be made to my permanent residential address in Chhattisgarh which is mentioned as below:

**Vill-Hirri , PO-Godam , Tahsil - Sarangarh ,
Dist- Raigarh , Chhattisgarh-496450.**

The copies of proof w.r.t., both my present and permanent residential, address are duly enclosed herewith.

With thanks and regards;



(Umesh Kumar Mahilani)

Present Address: 10972/5A, 3rd Floor , lane 06
WEA, Sat Nagar, Karol Bagh , New Delhi-05

Permanent Address: Vill-Hirri , PO-Godam ,
Tahsil - Sarangarh , Dist- Raigarh ,
Chhattisgarh-496450.

Mobile No 9910065949/09301727212

Email:mahilaniumesh@gmail.com

Copy to:

1. **Hon'ble Prime Minister Shri Narendra Modi Sir** (For his personal perusal and intervention wrt point no . 9(c) and 9(d) at page no. 05-08)
2. **Honb'le Minister of Personnel , Public Grievance and Pensions Dr. Jitendra Singh Sir** (For his personal perusal and intervention wrt point no . 9(c) and 9(d) at page no. 05 -08)
3. **Hon'ble Minister of State with Independent Charge for Power, Coal, New and Renewable Energy & Climate Change Shri Piyush Goyal Sir** (For his personal perusal & overall appropriate action/enquiry specifically wrt point no . , 9(b), 9(c) and 9(d) at page no. 4 & 5-8)
4. **Hon'ble Chairman, National Commission for Scheduled Castes (NCSC) Shri P.L. Punia Sir** (For his personal perusal, enquiry and intervention w.r.t. point no . 9(d) at page no. 7-8)
5. **Secretary(DOPT) , Shri Sanjay Kothari sir** (For his personal perusal ,intervention and action wrt point no . 9(c) and 9(d) at page no. 05-08)
6. **JS(Grievance) Shri Tarun Kapoor Sir / Concerned JS(MNRE) , Ms Varsha Joshi maa'm** (For Overall enquiry/actions , as deemed fit)
7. **Grievance Redressal Officer IREDA/CMD IREDA** (For Overall enquiry/actions and cooperation to MNRE , as deemed fit)
8. **The CPIO, IREDA Shri A.B.Kiran, AGM (Law)** (For information and preparatory actions, if any and as deemed fit).

Representation cum RTI Application under RTI Act 2005

Dated October 23, 2015

To,

The CPIO/APIO

{ Shri A B Kiran, Asst. General Manager (Law)

Tel. No. 26717427 (O) ,Mobile No. 9871692911}

IREDA , August Kranti Bhavan

B.C. Palace, New Delhi-

Dear Sir/Madam ‘

This is with reference to the recruitment of “Technical Officers” along with various posts vide advertisement no IREDA/HR/Rectt.2014/001 of which the written test and interview was held on 26th July and 16th September 2015 respectively and the final results have been declared on the IREDA website recently on 15th or 16th October 2015.

2. During the interview for the post of Technical Officer on 16th September 2015, the performance of the undersigned was up to the fullest level of satisfaction of the eminent interview panel and of myself where the suitability of the undersigned was found beyond the doubt by the eminent interview panel for the appointment except only of a confusion in the mind of eminent panel since I was preparing for the civil services , I may not be serving IREDA for long times to come for which I had tried my best to convey and convince the panel about my desire to join and continue with IREDA.

3. I would like to humbly submit that initially only 3 posts of the technical Officers (2 UR + 1 OBC) were advertised and during the interview I had got the hint at least 3 times from the conversation of HR/Personnel officials that one post has already been fixed for Ms. Ms. Lalitha Sahukaru from the higher/highest level. Since I was not able to record the above episodes into my phone and obviously the concerned officials would not testify and confirm their conversations/talks as pointed out above and also due to the fact that my interview had already gone much well and I was confident of my selection under another UR post , I dint make any representation and even , at present stage , would not make any allegation of undue favor or lack of objectivity or fairness in the examination/selection process until I receive any conclusive/supporting information/reply from this representation cum RTI application for the questions as mentioned below in the succeeding paragraph.

4. Since a total number of 5 candidates have been selected for the post of Technical Officer; having not found my name under the list of selected candidates, I am almost shocked and under a state of complete confusion.

5. Now, therefore, I would like to request the concerned CPIO/APIO in IREDA to kindly provide me the following information under the RTI Act so that I could realize the weakness on my part and the factor of unsuitability for the above post and could also know about the due diligent, fair and transparent recruitment process being followed by us in our esteem organization i.e. IREDA.

Since the process of selection has already been completed, as per the present Supreme Court and CIC Pronouncements in effect since 2011, its obligatory on the part of examining bodies/selection authorities/organizations to disclose the relevant details up to its entirety e.g. the marks obtained by candidates/ relevant note-sheets etc so as to satisfy any aggrieved person and to reflect complete fairness and objectivity in the recruitment/Selection process. Accordingly I request the respected CPIO/APIO to kindly provide me with the following information under the RTI Act 2005 in the fastest possible time bound and satisfying manner without any "bureaucratic veil of secrecy " as recently asked by our Hon'ble PM to all the Information Authorities/CPIOs under RTI Act 2005 :

- a) The copy of applications along with all relevant mark sheets and Certificates (of experience) and Bio data form etc submitted by all the 5 selected candidates during the application/selection process.
- b) A copy of answer sheet of Ms Lalitha Sahukaru during the written test held on 26TH July 2015.
- c) Details/List of marks obtained by all the 34 candidates during the written examination and Interview process separately or cumulatively or in any manner whichever available along with marks used while the final arriving to the final selection list.
- d) A copy of detailed reservation rosters maintained by IREDA as per the standing MHA instructions and latest DoPT guidelines after its applicability in case of the presently selected 5 posts of Technical Officers in the detailed roster.
- e) A copy of complete note sheets initiated so far pertaining to the selection of Technical Officer vide the above mentioned advertisement.
- f) The details of amounts / payments/reimbursements made to each of the 34 candidates as Travel allowance/Amount along with copies of their to and fro journey tickets/proofs as submitted by them after the interview.
- g) Kindly indicate in very brief that whether CCTV cameras are installed and operational in the IREDA official premises and in front of Interview hall? If yes, whether the full uncut recording 16.09.2016 could be made accessible to the relevant grievance redressal authorities in IREDA/MNRE/CVC if desired and directed by the competent authorities in IREDA/GoI.

I would request if the respected authority may kindly convey me the preliminary reply along with indication of fee to be paid under the RTI Act in email or telephonically also ; or convey me the complete detailed information under the advance post payment facility as being practiced by PMO and different Ministries etc in case the charges towards the supplying of information is under Rs/- 1000 only which I would be duty bound to pay to the PIO after the receipt of information.

Kindly also provide the name and address with telephone number of the 1st Appellate Authority under the RTI Act 2015 in case of any grievance with reply/information provided by you.

6. A PIO of Rs. 50 /- (Rs 10 towards fee for application charges + Rs 40 /- for charges towards supplying of information/documents in advance) issued in the name of PIO, IREDA is enclosed herewith.

7. I hereby declare that I am seeking the above information as a partially aggrieved person during the above recruitment process and as a responsible citizen of India without any malafide intentions and with due request to kindly not consider this representation cum RTI Application as an allegation or as a complaint etc at this stage. Also the secrecy of this application and recusal from the further involvement may kindly be maintained / ensured from the officers from IREDA or MNRE who happen to be any of the far or close relatives, former colleagues or intimate seniors etc of any of the selected candidate for the post of Technical Officers, if any.

8. Meanwhile, I would also like to request the HRM/Eminent Interview panel of IREDA to kindly revisit and ensure that complete due procedural diligence have been observed by them in the above-said selection process of Technical Officer including the roster reservation system etc especially in case of the 5 posts of Technical officers along with the complete detailed roster . If needed/found appropriate, the IREDA HRM/Interview panel may kindly reconsider my candidature for the post of Technical Officer or Assistant Technical Officer also under SC category in case of my suitability. I would like to resubmit before the eminent Interview Pane/ IREDA HRM that having not succeeded twice in the Civil Services Exam and having not received appointment letter from UPSC for the post of Asst Director in O/o DC(MSME) (As earlier cited before the panel during the interview) , I strive to utilize my knowledge and diversified experience in the Policy formulation and Project/Program Implementations in the area of Energy Efficiency /Renewable Energy and Climate Change etc only while serving as an asset with our esteemed organizations like IREDA with my due competence and dedication.

With thanks and regards;

Sd/-

(Umesh Kumar Mahilani)

Present Address: 10972/5A, 3rd Floor , lane 06
WEA, Sat Nagar, Karol Bagh , New Delhi-05
Mobile No 9910065949/09301727212
Email:mahilaniumesh@gmail.com

Copy for information and consideration at this stage :

1. Head/Subhead of HR/Personnel Department , IREDA
2. PPS to Grievance Redressal Officer IREDA
3. JS(Grievance)/Concerned JS(MNRE)
4. Chairman & Members of the Interview Panel on 16.09.2015 for the above mentioned post of Technical Officer. (This may kindly be conveyed by the IREDA HRM)

216/94/MS/2005/IREDA/4044

Dated, the 17th November, 2015

Urmesh Kumar Mahilani
R/o 10972/5A, 3rd Floor,
Lane 06 WEA, Sat Nagar,
Karol Bagh, New Delhi-110005

Sub: Information under Right to Information Act, 2005.

Dear Sir,

Please refer to your application dated 23.10.2015 (received on 26.10.2015) seeking certain information under RTI Act, 2005. Your application has been examined and the same has been registered as Application No.264/2015. The information sought by you and their reply is as under:-

Sl. No.	Information Sought	Reply of IREDA
a)	The copy of applications along with all relevant mark sheets and certificates (of experience) and biodata form etc. submitted by all the 05 selected candidates during the application/selection process.	Information pertains to the third party, thus, the same cannot be disclosed. Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:- Section 8. Exemption from disclosure of information. —(//) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,— (e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
b)	A copy of answer sheet of Ms. Lalitha Sahukaru during the written test held on 26 th July, 2015	Information pertains to the third party, thus, the same cannot be disclosed. Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:- Section 8. Exemption from disclosure of information. —(//) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,— (e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
c)	Details/List of marks obtained by all the 34 candidates during the written examination and interview process separately or cumulatively or in any	Information pertains to the third party, thus, the same cannot be disclosed. Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:-

	manner whichever available along with marks used while the final arriving to the final selection list.	<p>Section 8. Exemption from disclosure of information. —(f) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>
d)	A copy of the detailed reservation rosters maintained by IREDA as per the standing MHA instructions and latest DOPT guidelines after its applicability in case of the presently selected 5 posts of Technical Officers in the detailed roster.	<p>IREDA is maintaining reservation roster as per GOI guidelines and while notifying the vacancies. The records are voluminous and confidential in nature. Further, it is not possible to provide copy of the detailed reservation roster, however, applicant can inspect the document as per his convenience. Indeed fee will be charged towards executive man-days for deployment of Executive for this purpose.</p> <p>Reservation Guidelines issued by DOPT may be collected from their website.</p>
e)	A copy of complete note sheets initiated so far pertaining to the selection of Technical Officer vide the above mentioned advertisement.	The Information sought is confidential in nature in terms of Section 8 (1) (d) of RTI Act, 2005, thus, cannot be provided/ disclosed.
f)	The details of amounts/ payments/ reimbursements made to each of the 34 candidates as Travel Allowance / Amount along with copies of their to and fro journey tickets/ proofs as submitted by them after the interview.	<p>Information pertains to the third party, thus, the same cannot be disclosed.</p> <p>Also the information sought is exempted under Section 8 (1) (e) of RTI Act, 2005. The same is reproduced as under:-</p> <p>Section 8. Exemption from disclosure of information. —(f) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—</p> <p>(e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.</p>
g)	Kindly indicate in very brief that whether CCTV cameras are installed and operational in the IREDA official premises and in front of interview hall? If yes, whether the full uncut recording 16.9.2015 could be made accessible to the relevant grievance redressal authorities in IREDA/ MNRE/ CVC if desired by the competent authorities in IREDA/ GOI.	No, CCTV cameras are installed in the IREDA official premises and in front of interview hall.

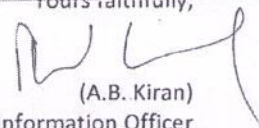
We hope that you will be satisfied with the information provided by us. However, in case you are not satisfied with the above and desire to file appeal against this letter, you may do so by addressing your appeal to the Appellate Authority whose name and address is herein given below.

Shri S.K Bhargava
Director (Finance)/Appellate Authority under RTI Act
Indian Renewable Energy Development Agency Ltd.
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Please also note that the period of limitation under RTI Act is 30 days to prefer the appeal from the date of receipt of this letter.

Thanking you,

Yours faithfully,



(A.B. Kiran)

Central Public Information Officer

RTI

No.1/34/2013-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-1
Dated: 29th June 2015

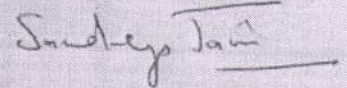
Office Memorandum

Subject: Implementation of Suo Motu Disclosure under Section 4 of RTI Act, 2005

Attention is invited to detailed guidelines on implementation of suo motu disclosure under Section 4 of RTI Act, 2005 issued vide this department's O.M. No.1/6/2011-IR dated 15.4.2013. Subsequently, a Committee of experts consisting of Shri A.N.Tiwari, Chief Information Commissioner(Retd) and Dr. M.M.Ansari, Information Commissioner(Retd) (of Central Information Commission) was constituted to recommend, interalia, measures to further strengthen implementation of Section 4 of the RTI Act, 2005. The Committee has, interalia, made the following recommendations which have been duly accepted by the competent authority:-

- 1) All the details of the public authority may be uploaded on its website. Access to information should be made user-friendly for which appropriate information technology infrastructure should be suitably designed, developed and operationalised.
- 2) All the training modules for professional upgradation of employees should incorporate matter relating to the virtues of transparency and open government and RTI law.
- 3) In order to minimise the burden of servicing RTI applications, the public authorities with high public dealings should put in place an effective system to redress the grievances of affected persons. At the sub-organisational levels, there should be cooperation and coordination between the Central Public Information Officers and the officers responsible for addressing public grievances.
- 4) In order to reduce the number of RTI applications relating to service matters, the information relating to recruitment, promotion and transfers should be brought into public domain promptly.
- 5) The retention and maintenance of specific documents for specified duration should be clearly spelt by each public authority in respect of its documents.

2. All the public authorities are requested to follow the above recommendations.



(Sandeep Jain)

Director

Tel: 23092755

- 1) All Ministries/Departments of Govt of India
- 2) Union Public Service Commission /Lok Sabha Secretariat / Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ NITI Ayog/ Election Commission.
- 3) Central Information Commission/ State Information Commissions.
- 4) Staff Selection Commission, CGO Complex, New Delhi.
- 5) The Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- 6) Director, Lal Bahadur Shastri National Academy of Administration, Mussoorie-248179, Uttarakhand
- 7) Director, Institute of Secretariat Training and Management, Old JNU Campus, Olof Palme Marg, New Delhi

Copy to :

Chief Secretaries/ All State Governments



भारत निर्वाचन आयोग
परिचय पत्र
ELECTION COMMISSION OF INDIA
IDENTITY CARD

DUPLICATE

IFZ0550178

Handwritten:
11/12
For IREDA

मतदाता का नाम : उमेशकुमार महिलानी
Elector's name : UMESHKUMAR MAHILANI
पिता का नाम : लक्ष्मीनारायण महिलानी
Father's Name : LAKSHMINARAIN MAHILANI
लिंग / Sex : पुरुष / Male
जन्म दिनांक : XX-XX-1988
Date of Birth : XX-XX-1988

IFZ0550178

पता - म.क्र.175,
हिर्री तालाब पारा,
गांव-हिर्री,
तह-सारांगढ़, जिला-रायगढ़
Address - HNo.175,
HIRRI TALAB PARA,
VILL-Hirri,
TEH-SARANGGARH, DIST-RAICGARH

Handwritten:
For IREDA RTE

Handwritten Signature:
Ramesh

17 - सारांगढ़ निर्वाचन क्षेत्र के निर्वाचक रजिस्ट्रीकरण अधिकारी
हस्ताक्षर की अनुकृति
Facsimile Signature of the Electoral Registration
Officer for 17 - Sarangarh - Constituency
स्थान : सारांगढ़ दिनांक: 22-11-2012
Place : Sarangarh Date : 22-11-2012
इस पत्र को विभिन्न सरकारी योजनाओं के अंतर्गत पहचान-पत्र
के रूप में प्रयोग किया जा सकता है। 78/332

पता बदले पर, उसे धीरे धीरे अपना नाम निर्वाचक राजपत्र में दर्ज करवाते
तब उक्त पत्र पर इसी संख्या पर कब्र वाले के चिह्न - संशोधित करनी से
एक नये नमूने अर्पण करिये।
In case of change in address, mention this Card No. in the relevant
Form for including your name in the roll at the changed address
and to obtain the card with same number.

82C
01/15/15

पंजीकृत क्रम सं Enrolment No. 159785980

पाठ्यक्रम का नाम

Name of Programme MA (PUB ADMN) - MPA

नाम Name LIMESH KUMAR MAHILANI

पिता पति मां का नाम Father's/Husband/Mother's Name LAXMI MALAYANI

पता (स्पष्ट शब्दों में) Address (In Capital Letters) 10972/5A,
3RD FLOOR, LANE-06, WEA,
SAT NAGAR, KAROL BAGH,
NEW DELHI - 05

पिन कोड Pin Code 110005

मोबाइल Mobile 9910065949/8130723207

विद्यार्थी के पूरे हस्ताक्षर

Full Signature of the Candidate


14/10/2015



63498
04/11

11/12/15
For IREDA RTI

जारी करने की तिथि

Date of issue 21/10/15

(सील सहित)

(With Seal. "Please laminate this I-Card")

Regional Centre Delhi-2
Gandhi Park, Barakhamba Road, New Delhi-110002

निर्देश (INSTRUCTION)

- विश्वविद्यालय की सुविधाओं के उपयोग हेतु परिचय-पत्र मांगने पर अध्ययन केंद्र या अन्य संबन्धित संस्थान में प्रस्तुत करें।
This card be produced on demand at the Study Centre and Examination of IGNOU to use its facilities.
- इस परिचय-पत्र के बिना किसी भी छात्र को परीक्षा/प्रायोगिक में बैठने की अनुमति नहीं है।
No Student shall be allowed to appear in any examination/practical without it.
- विश्वविद्यालय द्वारा सुविधा चन्ही पाठ्यक्रमों के लिए उपलब्ध होंगी जिनके लिए आप पंजीकृत हैं।
This facilities would be available only relating to the course or courses for which, the student is actually registered.
- डुप्लीकेट पहचान पत्र 200/-रु का डिमांड ड्राफ्ट भुगतान करने पर जारी किया जायेगा। यह डिमांड ड्राफ्ट इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय के नाम से और उस शहर में देय हो जहाँ विद्यार्थी का क्षेत्रीय केंद्र स्थित है।
Duplicate Identity Card will be issued by the Regional Director concerned on payment of Rs.200/- by way of Demand Draft in favour of IGNOU payable at the city of Regional Centre concerned.
- पहचान पत्र खो जाने की रिपोर्ट नजदीकी पुलिस स्टेशन एवं क्षेत्रीय केंद्र को दी जाये।
Loss of the Identity Card is to be reported immediately to the nearest Police Station & concerned Regional Centre.
- संबन्धित कार्यक्रम समाप्त होने के पश्चात् पहचान पत्र जारीकर्ता प्राधिकारी के पास जमा करा दिया जाए।
Identity Card is to be submitted to the Issuing authority after completion of the said programme.



इन्दिरा गाँधी राष्ट्रीय मुक्त विश्वविद्यालय
INDIRA GANDHI NATIONAL
OPEN UNIVERSITY

विद्यार्थी परिचय-पत्र
STUDENT CARD

(केवल विश्वविद्यालय की सुविधाओं के उपयोग हेतु)
(FOR USE OF IGNOU FACILITIES ONLY)



IS/ISO 9001:2008 Certified

भारतीय अक्षय ऊर्जा विकास संस्था सीमित

(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

(A Government of India Enterprise)

कॉर्पोरेट कार्यालय : तीसरा तल, अगस्त क्रांति भवन, भीकाजी कामा प्लेस, नई दिल्ली-110 066

Corporate Office : 3rd Floor, August Kranti Bhawan, Bhikaiji Cama Place, New Delhi - 110 066

दूरभाष/Tel.: 011-26717400-12, फ़ैक्स/Fax : 91-11-26717416, ई-मेल/E-mail: cmd@ireda.gov.in वेबसाइट/Website: www.ireda.gov.in



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

Dy. No. - 5338

Decision No. 4

Dated 15.01.2016

In the matter of:-

Shri Umesh Kumar Mahilani
Vill-Hirri, PO-Godam,
Tehsil – Sarangarh, Dist. Raigarh,
Chhattisgarh – 496450

.....Appellant

Vs

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 11.12.2015 against the order of CPIO dated 17.11.2015 which was received by the office of First Appellate Authority on 17.12.2015. The appellant namely Sh. Umesh Kumar Mahilani has originally made an application dated 23.10.2015 which was received by the office of CPIO on 26.10.2015. The applicant vide his application sought following information under the RTI Act, 2005.

- (a) The copy of applications along with all relevant mark sheets and certificates (of experience) and bio-data form etc. submitted by all the 05 selected candidates during the application / selection process.

प्राप्ति की तारीख..... 28-01-16
जारी किये की तारीख..... 28-01-16
लाक फिसने भेजा.....
हस्ताक्षर..... 2 DTF Office

Handwritten signature

G.K. Prasad

पंजीकृत कार्यालय : भारत पर्यावास केन्द्र, कोर-4-ए, ईस्ट कोर्ट, प्रथम तल, लोधी रोड, नई दिल्ली-110 003

- (b) A copy of answer sheet of Ms.Lalitha Sahukaru during the written test held on 26th July, 2015.
- (c) Details/List of marks obtained by all the 34 candidates during the written examination and interview process separately or cumulatively or in any manner whichever available along with marks used while the final arriving to the final selection list.
- (d) A copy of the detailed reservation rosters maintained by IREDA as per the standing MHA instructions and latest DOPT guidelines after its applicability in case of the presently selected 5 posts of Technical Officers in the detailed roster.
- (e) A copy of complete note sheets initiated so far pertaining to the selection of Technical Officer vide the above mentioned advertisement.
- (f) The details of amounts/ payments/ reimbursements made to each of the 34 candidates as Travel Allowance / Amount along with copies of their to and fro journey tickets/ proofs as submitted by them after the interview.
- (g) Kindly indicate in very brief that whether CCTV cameras are installed and operational in the IREDA official premises and in front of interview hall? If yes, whether the full uncut recording 16.9.2015 could be made accessible to the relevant grievance redressal authorities in IREDA/ MNRE/ eve if desired by the competent authorities in IREDA/ GOI.

CPIO while providing the information sought by the applicant was of the view that the information sought under question bearing no. (a), (b), (c), and (f) are exempted from disclosure under Section 8 (1) (e) of RTI Act, 2005 as the information available to a person in his fiduciary relationship and the CPIO was not satisfied that any larger public interest warranting the disclosure of such information exists.

However, CPIO while providing information sought under question bearing no. (d), the CPIO found that though the IREDA is maintaining reservation roster as per GOI guidelines and while notifying the vacancies but as the records are voluminous and confidential in nature therefore declined to provide the copy of the detailed reservation roster, however, invited the applicant to inspect the document as per his convenience subject to the payment of fees towards executive man-days for deployment of Executive for this purpose and also informed the applicant that the Reservation Guidelines issued by DOPT is available in their website and may be collected from there.

However, while replying to question bearing no. (e), the CPIO found the Information sought was confidential in nature in terms of Section 8 (1) (e) of RTI Act, 2005, thus declined to provide/disclose.



CPIO provided the information sought under question bearing no. (g).

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.

2. Ground of challenge the reply of CPIO

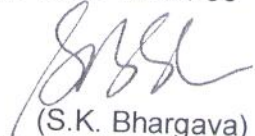
- 2.1 The grievance of the appellant is that the information sought under questions bearing No. (a), (b), (c), and (f) are not exempted from disclosure under Section 8 (1) (e) of RTI Act, 2005 as the same has been sought in public interest so that the transparency and fairness during the present recruitment/ selection process could be ensured. He also contended that even if the information sought therein pertain to third party information then according to Section 11 of the RTI Act 2005, CPIO within five days from the receipt of the request, give a written notice to such third party of the request and invite 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 but no such move was indicated by CPIO.
- 2.2 Appellant also challenged the information provided under question bearing no. (d) on the ground that the Roster, i.e. list of reservation cannot said to be voluminous as IREDA is having almost 150 employees and out of them maximum 10 persons are serving as Technical Officers and charge for inspecting the roaster can't be claimed from him.
- 2.3 Appellant also challenged the information provided under question bearing no. (e) on the ground that the note-sheets relating to recruitment process have to be disclosed under RTI Act, 2005 and in this regard he referred the decision on Subhash Chandra Agrawal Appeal Case and the subsequent Hon'ble SC/CIC/SICs judgments.
- 2.4 Appellant requested in the appeal to get unambiguous information provided under question bearing no. (g) as the information provided by CPIO under this head is not clear to him.

3. Decision with reasons:-

- 3.1 After considering the reply of CPJO, grounds of appeal as mentioned in the appeal in the light of objective of RTI Act, 2005, first appellate authority comes to the conclusion that the appellant should be allowed to inspect the record in order to get the information sought by the applicant under question bearing no. (a), (b) and (d) without charging any cost/fee for him.



- 3.2 As far as information sought under question bearing no. (c) is concerned, the HR Deptt., IREDA through CPIO is directed to provide the aggregate/cumulative marks of written examination and interview of all the 34 candidates within 10 days from today.
- 3.3 Appeal preferred against information provided under question bearing no (e) is not allowed as the CPIO has legitimately declined to provide the information UIS 8(1)(d) of the RTI Act, 2005.
- 3.4 As far as information sought under question bearing no. (f) is concerned, HR Deptt. through CPIO directed to provide the requisite information within 10 days from today.
- 3.5 CPIO has already provided the information sought under question bearing no (g) in unambiguous manner hence this does not require any more clarification.
4. The appeal is disposed of accordingly.
5. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the CIC in Room No. 329, 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)
15.01.2016

Copy to :-

1. GM(HR) – For Compliance
2. Shri A.B. Kiran, AGM (Law) cum CPIO

Appeal under Section 19 of the Right to Information Act, 2005

To

First Appellate Authority
Shri S.K. Bhargava
Director (Finance)
Corporate office of IREDA
3rd Floor, August kranti bhawan,
Bhikaji cama place
New Delhi-110066



A. Contact details:

1. Name of the Applicant	Nisha
2. Address	A-49 Naharpur Sector-7, Rohini, Delhi-85

B. Details about RTI request:

1. Particulars of the SPIO against whose order appeal is preferred	(a) Name	Shri S.K. Bhargava
	(b) Address	Corporate office of IREAD 3 rd Floor, August kranti bhawan, Bhikaji cama place New Delhi-110066
2. Date of submission of application (Pease attach a copy)	6 th Nov 2015	
3. Brief facts leading to appeal	(a) No response received within 30 days of submission of Form I	
	(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached)	
	Grounds for appeal	See the attached annexure 'A'
4. Prayer or relief sought	See the attached annexure 'A'	
5. Last date for filing the appeal	NA	
6. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	NA	
7. Copies of documents relied upon by the applicant	NA	

Enclosure:-

1. Annexure "A"- Brief facts leading to appeal and required information.
2. Reply of RTI given by PIO IREDA dt 04.12.2015
3. RTI application filed dt 06.11.2015.

Signature of the Applicant.....

Nisha
4/11/16

Annexure-‘A’

Information sought regarding recruitment of Assistant Finance officer in the year 2015-16 with reference to your Advertisement No IREDA/HR/rectt.2014/001.

1. Provide the number of vacant post against each category (i.e. General/OBC/SC/ST) advertised for post of Assistant Finance Officer in the above mention advertisement.
2. Provide the following details of the each qualifying candidates in each category for the post of Assistant Finance Officer:-
 - I. Name and roll number of the candidates who qualified in the written examination ;
 - II. What was the cut off marks/point of written exam and interview for each candidates in respective category;
 - III. Marks obtained by each candidates in respective category in written exam and interview;
 - IV. List of finally selected candidates for each Category.

Brief facts leading to appeal

1. No response received within 30 days of submission of RTI application.
2. Information on point No.2 (III) above was not provided by the CPIO on the ground that the information pertains to the third party, thus, the same cannot be disclosed. In this regard, it is to inform you that I was a candidate who appeared in the interview for the post stated above. There are many other cases in which marks obtained by candidates in written exam and interview were provided to them. ***So Please provide the information sought on point no.2(III) on the RTI application for transparency in recruitment procedure.***



इरेडा
IREDA

IS/ISO 9001:2008 Certified

भारतीय अक्षय ऊर्जा विकास संस्था सीमित

(भारत सरकार का प्रतिष्ठान)

Indian Renewable Energy Development Agency Limited

(A Government of India Enterprise)

कॉर्पोरेट कार्यालय : तीसरा तल, अमरत क्रान्ति भवन, भीकाएजी कामा प्लेस, नई दिल्ली-110 066

Corporate Office : 3rd Floor, August Kranti Bhawan, Bhikaiji Cama Place, New Delhi - 110 066

दूरभाष/Tel.:011-26717400-12, फ़ैक्स/Fax:91-11-26717416, ई-मेल/E-mail:cmd@ireda.gov.in वेबसाइट/Website:www.ireda.gov.in



Speed Post

216/94/MS/2005/IREDA/ 14417

Dated, the 04th December, 2015

Ms. Nisha
R/o A-49 Naharpur
Sector-7, Rohini,
Delhi-110085

Sub: Information under Right to Information Act, 2005.

Dear Sir,

Please refer to your application dated 06.11.2015 (received on 06.11.2015) seeking certain information under RTI Act, 2005. Your application has been examined and the same has been registered as Application No.266/2015. The information sought by you and their reply is as under:-

Sl. No.	Information Sought	Reply of IREDA
1	Provide the number of vacant post against each category (i.e General / OBC / SC /ST) advertised for post of Assistant Finance Officer in the above mention advertisement.	Following number of posts in respect Assistant Financer Officer were notified in the recruitment Advertisement 2014: UR-01 OBC-01
2	Provide the following details of the each qualifying candidates in each category for the post of Assistant Financer Officer.	
i)	Name and roll number of the candidates who qualified in the written examination.	List of candidates along with roll number qualified in the written examination is enclosed as Annexure-I
ii)	What was the cut off marks/point of written exam and interview for each candidates in respective category.	Cut off of marks of written examination and interview : For General : 40% For SC/ST/OBCs : 30%
iii)	Marks obtained by each candidates in respective category in written exam and interview.	Information pertains to the third party, thus, the same cannot be disclosed. However, selection was made on merit by the Selection Committee constituted for this purpose.
iv)	List of finally selected candidates for each category.	Following candidates were selected for the post of Asstt. Finance Officer and issued offer of appointment : 1. Gunjan Mahani - UR 2. Kanhaiya Jha - UR Since, no candidate was found suitable for the post of Asstt. Financer Officer in OBC category by the Selection Committee, the same shall be re-advertised in the next recruitment.

* We hope that you will be satisfied with the information provided by us. However, in case you are not satisfied with the above and desire to file appeal against this letter, you may do so by addressing your appeal to the Appellate Authority whose name and address is herein given below.

Shri S.K Bhargava
Director (Finance)/Appellate Authority under RTI Act
Indian Renewable Energy Development Agency Ltd.
Corporate Office : 3rd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Please also note that the period of limitation under RTI Act is 30 days to prefer the appeal from the date of receipt of this letter.

Thanking you,

Yours faithfully,



(A.B. Kiran)

Central Public Information Officer

From:

Nisha w/o Ashok Saini
R/o A-49 Naharpur Sector-7 Rohini
New Delhi-110085
Email: - canishasaini@gmail.com

et - 6/11/15

To

Central Public Information Officer
Shri A.B. Karan,
Asst. General Manager (Law)
Corporate office of IREDA
August kranti bhawan,
Bhikaji cama place
New Delhi



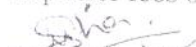
Sir:- Information required Under RTI Act,2005.

I have been shortlisted for appearing the interview for the post of Assistant Finance Officer against the written test held as on 26th July,2015 at New Delhi which is scheduled to be held on 14th September 2015 from 11.00 A.M. I was attended the interview. But that date I am not get any information regarding result.

Information sights regarding recruitment of Assistant Finance officer in the year 2015-16 with reference to your Advertisement No IREDA/HR/rectt.2014/001.

1. Provide the number of vacant post against each category (i.e. General/OBC/SC/ST) advertised for post of Assistant Finance Officer in the above mention advertisement.
2. Provide the following details of the each qualifying candidates in each category for the post of Assistant Finance Officer:-
 - I. Name and roll number of the candidates who qualified in the written examination ;
 - II. What was the cut off marks/point of written exam and interview for each candidates in respective category;
 - III. Marks obtained by each candidates in respective category in written exam and interview;
 - IV. List of finally selected candidates for each Category.

The above information is sought by me under the Right to Information Act 2005.The requisite fees of Rs.10 is enclosed by way of postal order.


Nisha 6/11/15

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

सायरी नं० - 5504

Decision No. 5

Dated 03.02.2016

In the matter of:-

Ms. Nisha
a-49, Naharpur
Sector-7, Rohini
Delhi-110085

.....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 appellant has preferred the first appeal dated 04.01.2016 against the order of CPIO dated 04.12.2015 which was received by the office of First Appellate Authority on 04.01.2016. The appellant namely Ms. Nisha has originally made an application dated 06.11.2015 which was received by the office of CPIO on the same day, i.e. on 06.11.2015. The applicant vide her application sought following information regarding the recruitment of Assistant Finance Officer in the year 2015-16 with reference to the Advertisement of IREDA bearing No. IREDA/HR/rectt.2014/001 under the RTI Act, 2005:-

1. Provide the number of vacant post against each category (i.e. General / OBC / SC / ST) advertised for post of Assistant Finance Officer in the above mention advertisement.
2. Provide the following details of the each qualifying candidates in each category for the post of Assistant Financer Officer.



- I. Name and roll number of the candidates who qualified in the written examination;
- II. What was the cut off marks/point of written exam and interview for each candidates in respective category;
- III. Marks obtained by each candidates in respective category in written exam and interview;
- IV. List of finally selected candidates for each category.

CPIO provided the complete information as desired by the applicant under question bearing no. 1, 2(I), 2(II) & 2(IV), however information sought under question bearing no. 2(III) was not given by CPIO on the ground of third party information which is protected from disclosure under the RTI Act, 2005. CPIO however through his reply assured the applicant/appellant that the selection was made on merit by the Selection Committee constituted for this purpose.

But applicant/appellant was not satisfied with the information provided by CPIO against the question no. 2 (III) and also she felt aggrieved of not receiving the reply of CPIO within 30 days thus preferred the present appeal and prayed to provide the information sought on point no. 2 (III) on the RTI application dated 06.11.2015 for the transparency in recruitment procedure.

2. Ground of challenge the reply of CPIO

- 2.1 The grievance of the appellant is that the information was not provided by the CPIO within 30 days of submission of RTI application.
- 2.2 Appellant also challenged the information provided under question bearing no. 2(III) on the ground that such information does not fall under the domain of third party information as being one of the candidates for the post of Assistant Finance Officer, she is entitled to know the marks obtained by candidates in written exam and interview and she also mentioned "there are many other cases in which marks obtained by candidates in written exam and interview were provided to them".

3. Decision with reasons:-

- 3.1 After considering the reply of CPIO addressed to the applicant, grounds of appeal as mentioned in the appeal in the light of objective of RTI Act, 2005, first appellate authority comes to the conclusion that the appellant should be provided the details of marks obtained in written exam and interview by the candidates appeared for the post of Assistant Finance Officer against the advertisement bearing no. IREDA/HR/rectt.2014/001 by the HR Department of IREDA through CPIO within 15 days from today to prove that the transparency was observed and secured in the recruitment process.



- 3.2 As far as the question of not receiving the reply within 30 days from the date of submission of RTI application is concerned, it is germane to refer the relevant provision contained under section 7 of Right to Information Act, 2005. Section 7(1) *inter alia* says the following:-

Section 7. Disposal of request.—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.

From the above, it is crystal clear that the CPIO is legally bound to provide the information within 30 days of the receipt of the request and as the CPIO received the request of applicant on 06.11.2015, thus thirty days expires on 06.12.2015. Disclosure made by CPIO and dispatch record are also evident that the reply of CPIO dated 04.12.2015 was sent to dispatch department on 04.12.2015, however the same was dispatched on 05.12.2015 which is within timeline. It is hereby also clarified that the computation of time for furnishing the information is done from the date of receipt of applicant and it extends till the disposal of application, i.e. on the date of dispatch from the office of CPIO. Thus it is clear that the maximum time of disposal of RTI application does not extend to the date of receipt of reply on the part of applicant. So as the dispatch was made on 05.12.2015, thus the disposal of RTI application is within the timeline and no penalty as envisaged under Section 20 of the RTI Act can be imposed on CPIO.

4. The appeal is disposed of accordingly.
5. In case the appellant is aggrieved by the decision, she is free to file second appeal, if she so desires, before the CIC in Room No. 329, 2nd Floor, 'C' Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.



(S.K. Bhargava)
First Appellate Authority(RTI)
03.02.2016

Copy to:-

1. GM (HR)- For Compliance
2. Shri A.B. Kiran, AGM (Law) cum CPIO

9/2/16
S.K. Bhargava

o/c