Central Information Commission
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066.

CIC/AA/A/2017/82
CICOM/A/2017/00076
CICOM/R/2017/00067

Name of the appellant : Shri A.K. Singh,
S-118, Gali No.3,
Raja Puri, Uttam Nagar,
New Delhi – 110 059.

1.	Date of RTI application	16.12.2017
2.	Date of reply of the RTI application	13.01.2017
3.	CPIO(s) who furnished reply	DS(GA)
4.	1st Appeal Date	06.03.2017
5.	Diary No. of 1st Appeal of the Dak Section	116399
6.	Diary date of the Dak Section	10.03.2017
7.	Diary date of 1st Appeal in the office of FAA	14.03.2017
8.	**Date of Decision**	**23.03.2017**

Brief facts of the case:-

In the RTI application, the appellant has sought 10 points information with reference to contract for Operation & Annual Maintenance of 250 KVA DG Set, AMF Panel & other connected installations in CIC.

2. Shri S.K. Rabbani, DS(GA) & CPIO has responded that:-

"(1-10) The information is exempt from disclosure under section 8 (1) (d) of the RTI Act as the information pertains to commercial confidence and trade secrets, the disclosure of which would harm the competitive position of a third party."

Decision with reasons:-

3. In the similar case, Commission vide its Order No.CIC/SM/A/2013/000040 dated 07.06.2013 has decided that:-

"4. We have carefully gone through the contents of the RTI application. We also understand that the bid process is now over. Therefore, in our opinion, the desired documents could be disclosed subject to the usual exemption provisions contained in the Right to Information (RTI) Act. Normally, in any bid document, there could be some record which happen to be the intellectual property of the bidder and cannot be disclosed. Otherwise, almost all the documents furnished in a tender process can always be disclosed. Keeping this in view, we direct the CPIO to revisit the bid documents of this particular bidder and disclose the copies thereof to the Appellant within 10 working days of receiving this order excluding, however, those documents which are in the nature of the intellectual property of the bidder."

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Further, para 21 of a judgment dated 22.11.2011 of Hon'ble High Court of Delhi in WP(C) No.5677/2011 (Jamia Millia Islamia Vs Shri Ikramuddin) states that:

> *"21. .....The act of entering into an agreement with any other person/ entity by a public authority would be a public activity, and as it would involve giving or taking of consideration, which would entail involvement of public funds, the agreement would also involve public interest. Every citizen is entitled to know on what terms the Agreement/settlement has been reached by the petitioner public authority with any other entity or individual. The petitioner cannot be permitted to keep the said information under wraps."*

In the light of above judgements, Shri S.K. Rabbani, DS(GA) cum CPIO is directed to re-visit the matter and provide information as sought in the RTI application to the appellant within 2 weeks excluding those documents which are in exempted category in RTI Act from the date of receipt of this order.

5. The appeal is, therefore, disposed off.

6. 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.185, Ground Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.

Dated the 23rd March, 2017

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.
2. Shri S.K. Rabbani, DS(GA), CIC, New Delhi.