

पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अधिनियम 2005 के अंतर्गत आपीलीय अधिकारी
Appellate Authority under the RTI Act, 2005
केन्द्रीय कार्यालय', सौदामिनी', प्लॉट नं.2, सेक्टर- 29, गुडगां, हरियाणा-122001
Corporate Centre, 'Saudamini', Plot No.2, Sector-29, Gurgaon, Haryana- 122007

Ref: C/CP/AA/RTI Act, 2005

Date: 3rd March, 2014

Appellant: Shri Naveen Nagpal, G-220, Srinivaspuri, New Delhi-110 065

Public Authority: Power Grid Corporation of India Limited (POWERGRID)

Respondent: Shri Sudhir Mital, GM (CP) & CPIO

Grounds of Appeal

The Appellate Authority, Corporate Centre, POWERGRID has received an online appeal (Reg. No. POWER/A/2014/60005) transferred by the Appellate Authority, Ministry of Power, New Delhi through MoP's letter dated 17th February, 2014 from Shri Naveen Nagpal under RTI Act, 2005. An online application dated 11th December, 2013 was filed by the Appellant with the CPIO, Ministry of Power under RTI Act, 2005 to obtain information on Schedule of Rates (SoR) for various items of Bill of Quantities (BoQ) for the transmission line and substation for each quarter starting from FY 2009-10 to till date.

On receipt of the appeal, comment/opinion of the CPIO, Corporate Centre and concerned departments was heard and relevant papers were perused. CPIO stated that the applicant was informed through letter dated 30th January, 2014 that the SoR prepared by POWERGRID for various items of BoQ for the transmission lines and substations are intellectual property of POWERGRID which involves commercial confidence and there is no larger public interest involved in its disclosure. Accordingly, in accordance with provisions of Section 8(1)(d) of the RTI Act, 2005, the information/documents sought could not be provided.

CPIO further stated that rates of each items are estimated by POWERGRID for the purpose of arriving at a competitive price of the total work utilising its competency and experience in the field of transmission sector and critical for financial viability of the projects under taken by POWERGRID. Considerable cost and time have been spent by POWERGRID in preparing such inputs.

In the above aspects, CPIO further added that POWERGRID is a business entity involved in development of power transmission sector in the country. On the advent of Electricity Act, 2003 power sector has been opened up for private investment by Govt of India and since January, 2011 onwards the implementation transmission projects in the country are being awarded through "Tariff Based Competitive Bidding" process. Accordingly, POWERGRID has now to compete with number of private players and to devise suitable strategies to be competitive in the market. Further, POWERGRID has been providing Consultancy services, both in domestic and international front, for engineering activities related to power projects that include designs, structural formations, etc. If such information reaches the competitors of POWERGRID, it would be detrimental to POWERGRID's competitive position in the commercial arena. Accordingly, a considered view has been taken not to disclose the SoR/ estimated rates

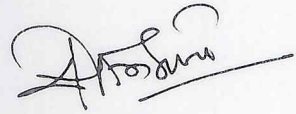
of various items of Bill of Quantities (BoQ) for the transmission line and substation items essentially for the reason that the requested information was of commercial nature and thereby exempted from disclosure u/s 8(1) (d) of the RTI Act. Further, no public interest would be served by disclosing this information to the applicant. Rather, the disclosure of such information would adversely affect the competitive position of POWERGRID in its business arena.

Decision

On going through the records and explanation given by the CPIO, it is noted that the information sought were not provided as the disclosure of such data would be against the commercial interest of company and adversely impact the commercial confidence of the company.

After carefully considering the facts of the case, I am inclined to agree with the considered opinion of CPIO to withhold the information sought by the Appellant under Section 8(1)(d) by CPIO as fully justified under the provisions of the RTI Act, 2005.

The appeal is accordingly disposed off.



(B. Mishra)
Executive Director (CP&IT) and
Appellate Authority

Copy to:

- 1) Shri Naveen Nagpal, G-220, Srinivaspuri, New Delhi-110 065
- 2) Shri Sudhir Mital, GM (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon

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CC to :

- 1) Shri Ghanshyam Prasad, Director (Trans.) and Appellate Authority, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi.