पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अभिनियम 2005 के अंतर्गत अपीलीय अधिकारी
Appellate Authority under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सौदामिनी', प्लाट नं.2, सैक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007

Ref: C/CP/AA/RTI Act, 2005 **Date: 13th February, 2015**

Shri G P Srivastava
Parekh Chambers, 30, School Lane
Bengali Market, New Delhi-110001.

Appeal letter dated: 16th December 2014

Public Authority: Power Grid Corporation of India Ltd., Corporate Centre, Gurgaon.

Respondents: 1. GM (CP) & CPIO, Corporate Centre, POWERGRID Gurgaon.
2. AGM (HR), Corporate Centre, POWERGRID, Gurgaon

ORDER

Grounds of Appeal

The Appellate Authority, Corporate Centre, POWERGRID has received an appeal dated 16th December, 2014 (received on 29th December, 2014) from Shri G P Srivastava, under RTI Act, 2005. Earlier, an application dated 10th September 2014 was filed by the Applicant with the CPIO, Corporate Centre under RTI Act, 2005 to obtain following information:

1. Fee structure of Amity International School, Sector-43, Gurgaon for non-POWERGRID employee's children as decided by the Local Management Committee (LSMC)
2. Minutes of meeting of Local Management Committee for the year 2010-11, 2011-12, 2013-14 and 2014-15.
3. Telephone No., Name and Designation of Vice–Chairman and other three members of Local Management Committee.
4. Role of Chief Vigilance Officer / Vigilance division of POWERGRID against the complaint of Amity International School, Sec-43, Gurgaon.

On receipt of the appeal, comments/opinion of the CPIO, Corporate Centre and Addl. General Manager (HR) were heard and relevant papers perused. CPIO stated that based on the communication from HR department, reply was provided to the applicant vide letter dated 20th November, 2014. Presently, in the appeal, Appellant stated that:

- The statement given by the CPIO while forwarding the reply that the POWERGRID does not hold the control over the Local School Management Committee of the Amity International School which is not acceptable as 4 senior officials of POWRGRID are the members of the Committee. Therefore, POWERGRID is the appropriate Public Authority for furnishing the information pertains to the School under the provisions of RTI Act, 2005.

CPIO and AGM (HR) informed that in reply to the RTI request from the Appellant, it was informed to him that "Amity International School (AIS), Sector - 43, Gurgaon is governed and controlled by the Ritnand Balved Education Foundation through a Local School Management Committee. POWERGRID does not hold control over the management of Amity International School, Sector 43, Gurgaon. Hence, the School" does not fall under the ambit of POWERGRID as "public authority' under Section 2(h) (d) (i) of RTI Act, 2005. Accordingly, the subject RTI request does not fall under the purview of POWERGRID as "public authority". POWERGRID is also not the custodian of the documents pertaining to the School's activities. AGM (HR) informed POWERGRID had already furnished the information as available with us, such as Agreement, details of POWERGRID's representatives in the Local School Management Committee, etc. The administrative documents for the running the School is not materially available with POWERGRID.

CPIO further stated that POWERGRID is the designated Central transmission Utility (CTU) of the country under Ministry of Power and its core business is the transmission of electric power. POWERGRID is making key contributions to society through its core business activities, its social investment and philanthropy programmes and its engagement in public policy to ensure Socio-Economic development of the Society nearby its establishments across the country. With the above perspective, a School was set up for the purpose of providing education of wards of POWERGRID employees as well as other students in the local area. The School is being run by the Ritnand Balved Education Foundation (RBEF), a Society registered under the Societies Registration Act, 1860, in the building constructed in POWERGRID Complex, Gurgaon. As per the Agreement entered with Ritnand Balved Education Foundation (RBEF) for setting up the School, (copy already shared with the Appellant) the School shall be directly governed and controlled by the RBEF through a Local School Management Committee.

CPIO and AGM (HR) further informed that above reply was furnished to the Appellant in line with decision of Hon'ble Supreme Court of India under the Civil Appeal No. 9017 of 2013 in response to the RTI Act, 2005 (Section 2(h)), [*a "public authority" means any authority or body or institution of self-government established or constituted by or under the Constitution; or by any other law made by the Parliament or a State Legislature; or by notification issued or order made by the appropriate Government (Central Government or a State Government), and includes any body owned, controlled or substantially financed; non-Government organisations substantially financed, directly or indirectly by funds provided by the appropriate Government*], which states that the word 'controlled' used in Section 2(h) (d)(i) of the RTI Act, has to be understood in the context in which it has been used vis-à-vis a body owned or substantially financed by the appropriate government, that is control of the body is such a degree which amounts to substantial control over the management and affairs of the body.

Thus, it may be noted that by just providing infrastructure facility for the School will not amount to POWERGRID's control over the management or affairs of the School. Management and control fall under the purview of RBEF and not on the POWERGRID management. It is also be evident that POWERGRID does not control the School in the sense that the majority of the representatives in the Local School Management Committee are of outside POWERGRID. It is further clarified that POWERGRID does not interfere in the day to day functions of the School. Citizens have the right to secure access to information of only those matters which are "under the control of a public authority". i.e. Citizens have access only to the information "held" and under the "control of public authorities", subject to

limitations of the RTI Act. From the above it evident that POWERGRID is not the "public authority" concerned in the instant case and hence not legally obliged to furnish the information sought by the Appellant.

Decision: On going through the records and explanation given by CPIO and HR department, it is clear that POWERGRID does not hold control over the management of Amity International School, Sector-43, Gurgaon. In my opinion, if a particular information is not "held by", or "under the control" of the public authority, it cannot be furnished by the CPIO. It is important to note that only such information can be supplied under the Act that is available and existing and is held by the public authority.

Considering the above, I am inclined to agree with the considered opinion of the CPIO and the AGM (HR) that the POWERGRID is not the "public authority" concerned in the instant case and hence not legally obliged to furnish the information sought by the Appellant under the provisions of the RTI Act, 2005,

The appeal is accordingly disposed off.

Yours sincerely,

13/4/15

Appellate Authority

O/C

To: Shri G P Srivastava
Parekh Chambers, 30, School Lane,
Bengali Market, New Delhi-110001

Copy to: AGM (HR), Corporate Centre, POWERGRID, Gurgaon
General Manager (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon