पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अधिनियम 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: 21st July, 2016**

Shri K.B.Vasanth
13/4, Kottavadi Road
Post & Taluk - Valapady
District – Salem, Tamilnadu – 636 115

Appeal letter dated: 9th May, 2016

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

Respondents: 1. Dy. General Manager (CP)&CPIO, Corporate Centre, POWERGRID, Gurgaon.
2. Additional General Manager (Law), Corporate Centre, POWERGRID, Gurgaon.

ORDER

Grounds of Appeal

Appellate Authority, Corporate Centre, POWERGRID has received an appeal dated 9th May, 2016 from Shri K. B. Vasanth, Salem, Tamilnadu under RTI Act, 2005. Earlier, an application dated 16th March, 2016 was filed by the applicant with the CPIO, Corporate Centre, POWERGRID, Gurgaon, under RTI Act, 2005 to obtain the copy of legal opinion given by the Hon'ble Attorney General of India regarding finalization of guidelines for payment of compensation for Right of way for laying of Transmission lines.

Based on the inputs received from the concerned Department, reply was provided to the requester vide letter dated 18th April, 2016. The applicant has filed appeal stating that:

- The legal opinion is supplied by the Hon'ble Attorney General of India, in his official capacity as Chief Legal adviser to the Government of India and not as a private lawyer. So, his opinion gets public importance and has to be published.
- POWERGRID, being a public authority, has to provide the requested information considering the larger public interest in disclosing such information.
- The Right of Way issues in the laying of Transmission line is going on throughout India, affecting number of farmers/land owners and the opinion given by the Hon'ble Attorney General of India is almost similar to the earlier decisions of many High Court and Supreme court cases. So, this legal opinion is no more a secret and is not at all confidential information that needs to be protected from disclosure.

- The legal opinion is available with the client in a fiduciary relationship section 8 (1) (e) of the RTI Act 2005 mandates to disclose even those information , if larger public interest warrants to disclose it.

On receipt of the appeal, comments/opinion of CPIO and concerned department was heard and relevant papers perused. CPIO stated that on receipt of the RTI request, desired information was sought from concerned department. Based on the inputs from concerned department, vide letter dated 18th April, 2016 applicant was informed that information sought is exempted from disclosure under Section 8 (1) (e) of the RTI Act as legal opinion given by a lawyer to his client is confidential information on account of the fiduciary relationship between the lawyer and client.

Additional General Manager (Law) stated that POWERGRID though a government company is not bound to disclose every information particularly the information which may be used for taking commercial decision for the benefit of the Corporation. Moreover, the opinion was sought by POWERGRID for its internal use and the same may or may not be taken into formulating any policy decision by POWERGRID. The opinion given by the Ld. Attorney General for India, fall under the exemption mentioned under section 8 (1) (e) of the RTI Act 2005 on account of fiduciary relationship between the lawyer and client. Further, the opinion given by the Ld. Attorney General for India to POWERGRID is confidential information, and the same is exempted from disclosure under section 8 (1) (d) RTI Act 2005. Accordingly, the Information sought need not be disclosed.

Decision: After going through the appeal and the submissions made by the CPIO and Law department, I am of the opinion that there is enough justification for considering the information sought by the appellant is confidential in nature under section 8 (1) (d) and 8 (1) (e) of RTI Act 2005. Considering the above, I am inclined to agree with the submission of the AGM (Law) for not disclosing the information sought as it was sought for taking commercial decision for the benefit of the Corporation.

Regarding the delay in disposing of the appeal, it is put on record that the delay in disposing off the case is unintentional as the undersigned was engaged in urgent assignment of Company's work.

The appeal is accordingly disposed off.

Yours sincerely,

24/3/16

Appellate Authority

To: Shri K.B.Vasanth
13/4, Kottavadi Road
Post & Taluk - Valapady
District – Salem, Tamilnadu – 636 115

Copy to: 1. Addl. General Manager (Law), Corporate Centre, POWERGRID, Gurgaon.
2. Dy. General Manager (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon.