

केन्द्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
केन्द्रीय सूचना आयोग भवन
CENTRAL INFORMATION COMMISSION BHAWAN
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली-110067
Tel: +91-11-26106140/26179548
Email – haro.sen@nic.in

सूचना आयुक्त : दिव्य प्रकाश सिन्हा
INFORMATION COMMISSIONER : DIVYA PRAKASH SINHA

File No. : CIC/INAVY/A/2017/603501/SD

Date of Hearing: 26/07/2018

Date of Decision: 26/07/2018

Relevant facts emerging from the Appeal:

Appellant	:	Dr. Prasad Ramchandra Joshi
Respondent	:	CPIO, Base Victualling Yard, Dr, Homi Bhabha Road, Near Afghan Church, Colabba, Mumbai-400005.
RTI application filed on	:	05/04/2017
CPIO replied on	:	-
First appeal filed on	:	16/05/2017
First Appellate Authority order	:	-
Second Appeal dated	:	05/07/2017

Information sought:

The Appellant sought information in the context of annual contract for supply of Dry Provisions to BVY(MB) for period of 2016-17 in terms of copy of tender notice, if any, published; copy of technical and commercial bid alongwith supporting documents; copy of file notings; copy of minutes of relevant committee meetings etc.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: Capt Sanjay Kumar, CPIO, HQ Western Naval Command, Mumbai and Lt M. Gyanendra Singh, Asstt. Base Victualling officer & APIO, Mumbai present through VC.

CPIO submitted that available information on para 1 of the RTI Application has been provided to the Appellant. While on para 2 of the RTI Application, information was denied under Section 8(1)(d) of RTI Act as information pertaining to technical bid includes commercial confidence of third party firms and all vendors have objected to the disclosure. Further, for para 3 of RTI Application, the relevant documents have been submitted for perusal.

CPIO furthermore stated that entire tender/bidding process has been made online since last year and all documents of tender/bid are available online and can be accessed by general public without the consent of bidders.

Decision

Commission observes that the denial of information on para 2 of the RTI Application is only partially appropriate as it is not the case that the referred tender was open on the date of reply so as to hamper the commercial confidence of bidders. The documents pertaining to technical bid may not be provided if it is not available in public domain as technical specifications have a continuing relevance to commercial confidence and trade secret of the third party firms. The other documents sought by the Appellant are documents of commercial bid, the agreement and bank guarantee both of which are not covered by the exemption of Section 8(1)(d) of RTI Act.

Commission directs the CPIO to provide available information sought on para 2 of the RTI Application except for the technical bid documents. As regards, para

3 & 4 of the RTI Application the documents submitted for Commission's perusal shall be sent to the Appellant.

The above information should be provided free of cost to the Appellant within 15 days from the date of receipt of this order and a compliance report of the same be duly sent to the Commission.

The appeal is disposed of accordingly.

**(Divya Prakash Sinha)
Information Commissioner**

Authenticated true copy

**(H P Sen)
Dy. Registrar/Designated Officer**