

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, गुड़गांव, हरियाणा 122001-
CORPORATE CENTRE, 'SAUDAMINI', PLOT No.2, SECTOR-29, GURGAON,
HARYANA- 122001

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

Date: 15th October, 2020

Appellant: Sh. Samir Sardana, resident of D-113, Sector-4. Defense Colony, Dehradun, Uttarakhand-248001 .

Public Authority: POWERGRID

Respondent: Chief GM (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon.

ORDER

Grounds of Appeal

The Appellate Authority has received an online appeal bearing number **FA/2020-21/387** dated 16.09.2020 (received on 23.10.2020) from Shri Samir Sardana (appellant). Earlier, the appellant herein had filed an online RTI application bearing number RTI/2020-21/19530, dated 27/08/2020, with the CPIO Corporate Centre, seeking information related to forex revenue, CSR, forex expenditure, insurance cost, forex realized losses/gain, cost incurred on security, donation, fraud (if any), contingent liability, litigation etc., from 2013 to 2019. The instant appeal has been preferred on the ground that the CPIO has not provided the information citing section 7 (9) of the Act which per appellant is not applicable in this case. .

Order:

The appellant vide his representation dated 16.09.2020 had sought a hearing with the appellate authority. A notice of hearing dated 30.09.2020 was issued by the appellate authority for the hearing on 09.10.2020. However, the appellant opted for telephonic hearing. Accordingly, a telephonic hearing was held on 09.10.2020, wherein the appellant contended that the CPIO could not have denied the information under section 7(9) of the Act. Further, it was also submitted by the appellant that the information sought by him was available with the CPIO and as

such no disproportionate diversion of the resources of the public authority would happen.

I have perused the reply dated 16.09.2020 given by the CPIO and his response on representations of appellant brought out in the appeal and subsequent hearing. CPIO in his reply categorically mention that, *"In this regard, it may please be informed that the information sought in the RTI is voluminous in nature. Further, establishments of POWERGRID are spread all over the length and breadth of the country and its various operations/functioning of the organization are being carried out in a decentralized manner and its records are maintained at respective locations and in various files. For compiling such voluminous information, a considerable amount of resources would have to be deployed by POWERGRID and it would disproportionately divert the resources of the public authority. Therefore, in line with section 7(9) of the RTI Act, aforesaid information is not being provided. However, if any information regarding any specific area and for any specific period is sought same can be provided."*

Per appellant the CPIO could not have taken refuge under section 7(9) for denying the information as the section provides that information shall ordinarily be given in the form in which it is sought unless it would disproportionately divert the resources. Therefore, the information was supposed to be given either in the form desired by the appellant or in the form as the CPIO would have deemed fit. However, in no case it could have been denied citing section 7(9).

I do not find merit in this submission as the CPIO has not denied any information citing section 7(9). CPIO vide its order dated 16.09.2020, has simply submitted that the information sought is voluminous in nature by virtue of it being maintained at various locations of POWERGRID. However, specific information pertaining to any area or period can be provided if the appellant wishes so. The same has categorically been mentioned in the order of CPIO that appellant can seek any specific information. This cannot be treated as denial of information.

This brings us to the second contention raised by the appellant that he has sought specific information only and the information sought by him is readily available with the CPIO, as otherwise it is difficult to fathom that how a corporation of the size of POWERGRID is functioning when the management does not have ready access to the information which per appellant is sine qua non for running the corporation smoothly.

This contention also has no merit as mere mentioning of time period and heads (under which information is sought) would not ipso facto make the information

specific. In fact this can be gauged from the appeal itself. The appellant has sought information under various heads and once such head is **advances**. Under the head of advances the appellant is seeking details of the “**advances secured by bank guarantees**” as on 31st March 2019, under various sub heads such as name of the recipient (only those in the private sector), amount year of advance purpose of advance, rate of interest on the advance (for all advances in excess of five crores) aggregate value of recipients in the government sector, names of the entities in which there has been no reduction in outstanding amount of advance since the date of advance.

Further, the appellant has also sought details of the “**advances not secured by bank guarantee**” as on 31st March 2019 for all the sub heads mentioned in the preceding paragraph. It is abundantly clear that the information involves third parties as a bank would have given a guarantee to a party on behalf of some other party. The Act specifically provides a mechanism for divulging third party information. However, without any specific details identification of a third party for the purpose of making submission would be a futile exercise.

Secondly, it can be seen from the appeal that the appellant is seeking information related to donations, income, FX expenditure, FX revenue, contingent liability, accounts audits, advances confirmations, ageing and litigations. However these heads are further divided into several sub heads and under sub heads also various particulars are mentioned for which appellant is seeking information. Basically the information sought is indeterminable as the appellant is seeking all and sundry information under different heads. Consolidated information is readily available in public domain in the form of annual reports, which can be accessed from the website (<https://www.powergridindia.com/annual-reports>)

In the matter of **Central Board of Secondary Education versus Aditya Bandopadhyay civil appeal number 6454 of 2011**, the Hon'ble Supreme Court held that, “ *Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and 52 eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in*

collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

This being the position it is clear that for the purpose of seeking information the applicant has to seek specific information and as such public authority is not obliged to provide information which cannot be determined.

In his appeal the appellant has also sought adverse action under section 20(2) against CPIO, and in fact has gone to the extent of recommending his dismissal from service. It is submitted that the Act though provides for penalties under section 20 for cases where the CPIO has malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information however the same cannot be said for the instant appeal as the CPIO has not denied the information but has simply mentioned in his letter that specific information pertaining to any area or period can be provided if the appellant wishes so. This being the case, it cannot be said that information was not provided.

In view of the submissions made herein above the request of the appellant for providing information cannot be accede to. However, it is made clear that in case the appellant herein wishes to seek any specific information he may seek the same.

The appeal is accordingly disposed of



(B N De Bhowmick)

ED (TD) & Appellate Authority

To: Sh. Samir Sardana, resident of D-113, Sector-4, Defense Colony, Dehradun, Uttarakhand-248001, (sam555sardana@rediffmail.com)

Copy to: (i) Chief GM (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon.