

Appeal as per section 19 of RTI act 2005

Shri S Ravi,
Executive Director (SRTS-II)
Power Grid Corporation of India Ltd
Singanayakanahalli , Yelehanka Hobli
Bangalore 560064

*DCM Law
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Sir

My application dated 21.05.2020 (copy enclosed) asking information has been rejected partially (SI 1 &3 of the application dated 21.05.2020 were denied by CPIO) by CPIO by referring section 8(1) h of RTI act 2005 but without explaining anything about how issuing of the information will affect the investigation or prosecution . Actions of the CPIO were not as per the provisions of the RTI act 2005 and resulted in violation of fundamental the right of the applicant to information guaranteed under RTI act 2005.

The refusal to issue the documents by CPIO is against the provisions of RTI act on following grounds. Copies of some of the relevant orders by CIC are also attached as Annexures (I to IV) for your instant reference.

- 1) CPIO has not established how issuing of documents will impede ongoing investigation or prosecution if any. The CPIO has not even attempted any explanation showing scant respect to the right of the applicant to information under RTI act.
- 2) No investigation is going on against any of the employees or the contractors in connection with the contracts referred in the application for information dated 21.05.2010. By mentioning about non-existing investigation as the reason for denial of documents CPIO has given a wrong information to the applicant. Internal and CBI investigations are already completed and disclosing of the requested information will not way affect the already concluded investigation. **CPIO has not given any explanation on how disclosing of the document will affect already concluded investigations.**

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Please refer Annexure III which give abstract of the decision no CIC/SG/A/2020/003376/11535 appeal CIC/SG/A/2020/003676. While disallowing the denial of information by PIO and then FAA the CIC has stated "The FAA has given no reasons how disclosing the information would impede the process of any investigation. In fact as per the appellate authority's order it appear that the investigation stage is over. **Even if the investigation stage is not over it has to be shown that revealing the information would impede the process of investigation.**"

Annexure I abstract of the decision No CIC/SG/A/2020/001377/8483, Appeal No CIC/SG/A/2010/001377 is also underscores the above decision.

My application of information is concerned there is no pending investigation and even if anything there that is not the sufficient reason for denying the information sought for.

- 3) No prosecution in progress in connection with above contract in which POWERGRID is a party. Even if any prosecution is pending or in progress disclosing any information of already closed contract will not affect the outcome of prosecution in any manner. The CPIO has not explained or established anything how issuing of the document will affect the outcome of the prosecution.

Please refer Annexure IV abstract of decision No CIC/SM/A/2020/001658/SG/14729 , Appeal No CIC/SM/A/2020/001658/SG which deals with the case of pending prosecution. The order says "**The aim of any justice system to provide fair decision based on the truth as it exists. Right to information only give access to the information available on the records without looking at the likely outcome of providing the information.**"

It is clear from the above that CPIO need not look into the outcome of the prosecution when dealing with the application for information under the provisions of RTI act. And it is unfair and incorrect to influence the outcome of a judicial process by denying documents which will speak truth.



- 4) No court / investigating agencies / authority have asked POWERGRID not to disclose the documents requested under RTI act. The decision of the CPIO is arbitrary and against the letter and spirit of the RTI act.

It is clear that decisions of CPIO in denying the documents were not according the provisions of the act and I request you to overrule the decisions of CPIO and issue the documents at an early date.

Thanking you in advance

Yours faithfully

MS
20/7/2020

(Shaju M Mathew)

C1 , POWERGRID Town ship

Pappakudi south , Meensuritti Post

Ariyalur District , Tamil Nadu , 612903

Phone 9074481127

Meensuritti
20/7/2020