

Power Grid Corporation of India Limited

Appellate Authority under the RTI Act, 2005

**Southern Region Transmission System-II HQ, Near RTO Driving Test Track,
Singanayakanahalli, Yelahanka Hobli, Bangalore-560 064.**

Ref.:SR-II/RTI/AA/RTI Act,2005 - 61366

Date: 30th December,2014.

Appellant: Shri J C Kohli, No.3, First Cluny Main Road, Avvai Nagar, Lawspet, Pondicherry-605008.

Appeal letter dated: 5th December,2014.

Public Authority: Power Grid Corporation of India Limited, Southern Region Transmission System-II, Bangalore.

Respondent: Shri Sunil K. Thomas, DGM & CPIO, SRTS-II, POWERGRID RHQ, Bangalore.

ORDER

Grounds of Appeal

The Appellate Authority, Southern Region Transmission System-II, POWERGRID has received an appeal dated 05.12.2014 from Shri J.C. Kohli under RTI Act,2005. An application dated 23.09.2014 was filed by the Appellant with CPIO to obtain information on following queries regarding Tender No 'SRTS-II/C&M/WC-823/NIT-69/14 dt. 20.05.2014 for Supply, installation, testing and commissioning of 250kVA DG set for SRLDC(POSOCO) : (1) Name of the engine and alternator make and model offered by the participants (2) Present status of finalization of tender (3) Xerox copy of Internal Note Sheets (up to date) from the date of opening of the tender (4) Xerox copy of the comparative statement and (5) Execution status of the contract. Information on the above queries were furnished by CPIO vide his letter No SR-II:RTI:F-279:2014 dt 28.10.2014.

However, not being satisfied with the reply provided by the CPIO for the queries mentioned at Sl No.(1), (3), and (4) above, the applicant filed the appeal seeking the entire information citing CIC order No. CIC/LS/A/2013/000169/LS dated 24.07.2013, wherein the Information Commissioner has advised that RTI Act being a people's friendly law, the public authorities shall work in a transparent manner and shall not resort to hyper-technicalities in disclosing the information.

On receipt of the appeal, comments/opinion of the CPIO, SRTS-II and the concerned department were heard and relevant papers were perused. CPIO stated that vide his letter dated 28.10.2014, requester was intimated that information/records sought vide queries at Sl. No 1,3&4 on the make & model of engine and alternator offered as well as copies of internal note sheets and comparative statement which

contain proprietary information of all the participant bidders could not be disclosed since the information, if disclosed would have harmed the competitive position of third parties.

CPIO stated that the appellant has referred the CIC order dt 24.07.2013 for the disclosure of information, but the said CIC order only stipulates that information should not be denied citing hyper technicalities. CPIO further stated that the technical details of engine and generator offered by the participants haven't been disclosed not due to any hyper technicality, but because its disclosure attracts the provisions of Section 8(1)(d) of the RTI Act, as the information, if disclosed may harm the competitive position of third parties. CPIO also referred the order by CIC in Case No. CIC/SS/A/2012/001631 dated 21.02.2013 where in it was directed that any information, the disclosure of which would harm the competitive position of third parties need not be disclosed.

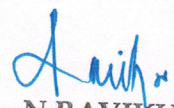
CPIO also stated that Xerox copies of internal note sheets and Comparative Statement as sought by the appellant cannot not be provided as those documents also contain information related to trade secrets or intellectual property , the disclosure of which would harm the competitive position of a third party and section 8(1) (d) of RTI Act exempts disclosure of such information.

Decision

On going through the records and explanation given by the CPIO, it is noted that the Appellant had sought for disclosure of following information in connection with the tendering and finalization of contract for purchase of 250 kVA DG set for SRLDC(POSOCO) (1) Name of the engine and alternator make and model offered by the participants of the tender (3) Xerox copy of Internal Note Sheets from the date of opening of the tender and (4) Xerox copy of the comparative statement.

Based on the facts presented by the CPIO and the order of CIC in Case No . CIC/SS/A/2012/001631 dated 21.02.2013, I am of the view that the information sought at sl no (1) of the RTI application , if disclosed may harm the competitive position of third parties and need not be disclosed as per provisions of Section 8(1)(d) of the RTI Act. Moreover no larger public interest has been established by the appellant for disclosure of this information. However in respect of sl no.(3)& (4) of the RTI application, the disclosure of internal note sheets and comparative statement do not attract the exemption under Section 8(1)(d) of the RTI Act, 2005. Hence CPIO is directed to disclose the information sought at sl no (3) and (4) after severing all such information which is in the nature of the intellectual property or trade secret of a third party bidder.

The appeal is disposed off accordingly.


N RAVIKUMAR

Executive Director (SRTS-II) and Appellate Authority

To: Shri J C Kohli, No.3, First Cluny Main Road, Avvai Nagar, Lawspet, Pondicherry - 605008.

Copy to: Sh Sunil K Thomas , CPIO, SRTS-II, Bangalore