

## BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

INDIA GOVERNMENT MINT

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/20/00001 dated 06.07.2020

Solipuram Manohar Reddy

:

Appellant

Vs.

CPIO(HR), IGMH,  
Hyderabad

:

Respondent

**ORDER**

1. The appellant filed an application dated July 1<sup>st</sup>, 2020 under the Right to Information Act, 2005 (“**RTI Act**”) through the RTI MIS Portal bearing Registration No: IGMHY/R/E/20/00002. The respondent disposed of the request vide his online reply dated July 04<sup>th</sup>, 2020 to the appellant. The appellant filed the present appeal dated July 06<sup>th</sup>, 2020 against the above response. I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
2. From the Appeals, I note that the appellant is aggrieved by the respondent’s response to his application.

3. **Queries in the application:**

Sl No.	Date of Application	Information sought
1	July 1 <sup>st</sup> , 2020	I was working as a Jr.Office Assistant in ISP, Nashik. Am I eligible to apply for the post of JOA at IGM Hyderabad. Advt.1/2020 recruitment.

4. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
5. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Details not provided & any other ground.*” And stated as below:

“Respected Sir, I was read the whole notification as per your reply. But there is no information related service in one unit (India Security Press, Nashik) counted in other unit (IGMH Hyderabad). I had completed my probation period in India Security Press, Nashik. as a Junior Office Assistant. If I selected in IGMH as a Junior office assistant. Is my service counted in IGMH Hyderabad or Have I go to probation period.”

6. I note that the appellant had sought one set of information vide his RTI request dated 01.07.2020 and has made this appeal seeking completely different set of information. As such, as per the provisions contained in RTI Act, 2005, when a appellant raises an appeal the appellate authority under Section 19 has to consider the appeal keeping in account the request made in the RTI application & Reply of the CPIO. However, the present appeal seeks some new information. Even, the common law principles state that the main purpose of an appeal is to review the decisions made at the lower level authority. Thus, the appellate authority can only review the request sought & information provided by the respondent CPIO and in no way consider any other request at this level.
7. Further, the CPIO vide his reply dated 04.07.2020, has stated that the information requested is incomplete the same could not be given as the CPIO is not required to interpret information or furnish replies to hypothetical questions. Only such information as is available and existing and held by the public authority or is under the control of the public authority can be provided. The reply of the CPIO is reasoned as the CPIO cannot create or interpret information as per the provisions of the RTI Act, 2005, the CPIO, is expected to provide only such information as is available in the records.
8. Further, the Hon'ble CIC in S. P. Goyal vs V. C. Ramachandran (Case Nos. CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909 Dated 17th January, 2012) observed that

***“The Commission, at several appellate hearings, has explained to the Complainant that under the RTI Act, only the information as per records can be made available; multiple RTI applications and appeals would not provide him any information beyond the records that exists. ....”***

9. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.
10. The Appeal stands disposed.



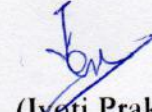
The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,  
Room No. 305, 2nd Floor,  
CIC Bhawan, Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.**

**Place: Hyderabad**

**Date: July 7, 2020**

**F.No. HD/IGM/SPMCIL/RTI/19-IGM-APPEAL/48/**



**(Jyoti Prakash Dash)**

**APPELLATE AUTHORITY &  
CHIEF GENERAL MANAGER**

**To,  
Shri.Solipuram Manohar Reddy,**



## BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

INDIA GOVERNMENT MINT

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/20/00002 dated 21.07.2020

K V V S Sudhakar

:

Appellant

Vs.

CPIO(TO), IGMH,  
Hyderabad

:

Respondent

**ORDER**

1. The appellant filed an application dated July 3<sup>rd</sup>, 2020 under the Right to Information Act, 2005 (“**RTI Act**”) through the RTI MIS Portal bearing Registration No: IGMHY/R/E/20/00004. The respondent disposed of the request vide his online reply dated July 21<sup>st</sup>, 2020 to the appellant. The appellant filed the present appeal dated July 21<sup>st</sup>, 2020 against the above response. I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
2. From the Appeal, I note that the appellant is aggrieved by the respondent’s response to his application for providing incomplete information as far as the period is concerned.

3. **Queries in the application:**

Sl No.	Date of Application	Information sought
1	July 03 <sup>rd</sup> , 2020	List of circulated commemorative coins minted at Hyderabad mint in all the denominations of 5 paise, 10 paise, 20 paise, 25 paise, 50 paise, 1 rupee, 2 rupees, 5 rupees and 10 rupees from 01-01-1950 to 30-06-2020 in the following format. Sno: denomination: figure/design details: metal: date/month of issue.

4. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
5. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Provided Incomplete, Misleading or False Information.*” And stated as below:

*“I have asked the information from the year 1950 to 2020, but only provided from 2008 onwards only. Hence the information is incomplete. I request the good offices to provide complete information. I am here with attaching the information given.”*

- 6 I note that the appellant had sought information with respect to circulated commemorative coins minted at Hyderabad mint in all the denominations of 5 paise, 10 paise, 20 paise, 25 paise, 50 paise, 1 rupee, 2 rupees, 5 rupees and 10 rupees from 01-01-1950 to 30-06-2020. Whereas, it is seen from the records placed before me that the CPIO had provided information from the Financial Year 2008-09 onwards.
- 7 In this regard, the undersigned had directed concerned section with whom the information is maintained to inform whether any other document other than that already provided for periods before the year 2008 is available and that in case the information/document is available, the same may be provided so that the document can be provided to the Appellant.
- 8 Further, in response to the above stated direction of the undersigned, concerned section & CPIO(FO) has provided the following information/certification on record:  
*"Certified that no other document except which has been already provided is available."*
- 9 The FAA observes that, the CPIO is obliged to provide the information to the extent it is available in their records. If the information in the manner sought by the applicant is not available, there is no bounden duty on the CPIO to create any fresh compilation for non-existent records. This legal principle is supported by the decision of the Hon'ble Delhi High Court in its order dated 07-01-2016 of Page 3 of 4 in LPA 24/2015 & CM No. 965/2015 titled as *"The Registrar of Supreme Court of India v. Commodore Lokesh K Batra & Ors."* wherein, it was held as under:

*"15. On a combined reading of Section 4(1) (a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, "right to information" under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant."*

- 10 Further, it is also observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. In this context, the decision of the Hon'ble Supreme Court of India in *Khanapuram Gandiah v. Administrative Officer and Ors.* in SLP (C).34868 OF 2009 (Decided on January 4, 2010) can be cited where it was held as under:

*6. "...Under the RTI Act "information" is defined under Section 2(f) which provides: "information" means any material in any form, including records, documents, memos, e-mails, opinions, ad vices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

*This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."*

*7. "... the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such*



information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."

11. Also, the Hon'ble Supreme Court in SLP(C) NO. 7526/2009 (CBSE & Anr. Vs. Aditya Bandopadhyay & Ors) had held that:

*"35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."*

12. Further, the Hon'ble CIC in S. P. Goyal vs V. C. Ramachandran (Case Nos. CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG, CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909 Dated 17th January, 2012) observed that:

*"The Commission, at several appellate hearings, has explained to the Complainant that under the RTI Act, only the information as per records can be made available; multiple RTI applications and appeals would not provide him any information beyond the records that exists. ...."*

13. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

14. **The Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

Central Information Commission, Room No. 305, 2nd Floor, CIC Bhawan,  
Baba Ganganath Marg, Munirka, New Delhi - 110 067.

Place: Hyderabad

Date: August 19, 2020

E.No. 110/IGM/SPMCH/RTI/19-IGM-APPEAL/ 837 APPELLATE AUTHORITY & CHIEF GENERAL MANAGER

To,  
Shri.K V V S Sudhakar,

R.T.I

**BEFORE THE APPELLATE AUTHORITY**

(Under the Right to Information Act, 2005)

**INDIA GOVERNMENT MINT**

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/20/00003 dated 26.08.2020.

First Appeal No. IGMHY/A/E/20/00004 dated 26.08.2020

First Appeal No. IGMHY/A/E/20/00005 dated 26.08.2020

First Appeal No. IGMHY/A/E/20/00006 dated 26.08.2020

Varun Krishna

:

Appellant

Vs.

CPIO(HR), IGMH,  
Hyderabad

:

Respondent

Considering the Similarity in the issues involved both in respect of the RTI Replies and Appeals filed by the appellant, it would be apposite if the same were disposed by way of a common order. Hence, the undersigned issues the following order in the above appeals.

**COMMON ORDER**

1. The appellant filed 04 RTI applications dated August 21<sup>st</sup>, 24<sup>th</sup> & 25<sup>th</sup> 2020 under the Right to Information Act, 2005 (“**RTI Act**”) through the RTI MIS Portal bearing Registration No's: IGMHY/R/E/20/00021, IGMHY/R/E/20/00024, IGMHY/R/E/20/00025, and IGMHY/R/E/20/00026. The respondent disposed of all the above requests vide his RTI replies dated August 25<sup>th</sup>, 2020 to the appellant. The appellant filed the present appeals dated August 26<sup>th</sup>, 2020 against the above responses. I have carefully considered the applications, the responses and the Appeals and find that the matters can be decided based on the material available on record, by seeking comments from CPIO and providing an opportunity to the Appellant by way of a personal hearing.
2. From the Appeals, I note that the appellant is aggrieved by the respondent's response to his applications for providing incomplete information and for not providing certified copies of the requisite documents.

3. **Queries in the application:**

Sl- No.	Date of Application	Information sought
1	August 21 <sup>st</sup> , 2020. IGMHY/A/ E/20/00003	(i) Subject matter of information: Information pertaining to RTI replies dispatched in June 2017 by Post. (ii) The period to which information relates: 1.6.17 to 30.6.17. (iii) Description of Information required: Please provide certified copies of the following: 1. Total number of RTI replies dispatched in the month of June 2017. 2. Total number of RTI replies dispatched by Ordinary Post from Sno 1. 3. Copies of all

		RTI replies from Sno 2 along with their corresponding copies of outward Dak pages. 4. Name and Designation of dispatch clerk during the said period and the name and designation of his/her controlling authority.
2.	August 24 <sup>th</sup> , 2020. IGMHY/A/E/20/00004	(i) Subject matter of information: Information pertaining to RTI replies dispatched in September 2017 by Post. (ii) The period to which information relates: 1.9.17 to 30.9.17. (iii) Description of Information required: Please provide certified copies of the following: 1. Total number of RTI replies dispatched in the month of September 2017. 2. Total number of RTI replies dispatched by Ordinary Post from Sno 1. 3. Copies of all RTI replies from Sno 2 along with their corresponding copies of outward Dak pages. 4. Name and Designation of dispatch clerk during the said period and the name and designation of his/her controlling authority.
3.	August 25 <sup>th</sup> , 2020. IGMHY/A/E/20/00005	i) Subject matter of information: Information pertaining to RTI replies dispatched in December 2017 by Post. (ii) The period to which information relates: 1.12.17 to 31.12.17. (iii) Description of Information required: Please provide certified copies of the following: 1. Total number of RTI replies dispatched in the month of December 2017. 2. Total number of RTI replies dispatched by Ordinary Post from Sno 1. 3. Copies of all RTI replies from Sno 2 along with their corresponding copies of outward Dak pages. 4. Name and Designation of dispatch clerk during the said period and the name and designation of his/her controlling authority.
4.	August 25 <sup>th</sup> , 2020. IGMHY/A/E/20/00006	(i) Subject matter of information: Information pertaining to RTI replies dispatched in November 2017 by Post. (ii) The period to which information relates: 1.11.17 to 30.11.17. (iii) Description of Information required: Please provide certified copies of the following: 1. Total number of RTI replies dispatched in the month of November 2017. 2. Total number of RTI replies dispatched by Ordinary Post from Sno 1. 3. Copies of all RTI replies from Sno 2 along with their corresponding copies of outward Dak pages. 4. Name and Designation of dispatch clerk during the said period and the name and designation of his/her controlling authority.

4. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.

5. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Provided Incomplete, Misleading or False Information.*” And stated as below in all the 04 appeals:

***“1. The PIO did not provide details and particulars of FAA which is a requirement u/s 7(8)(iii).***

***2. The PIO did not provide certified copy of reply.***

***3. The PIO seems to be obstructing information by stating that no RTI replies have been sent vide ordinary post for Sno 2 of my RTI, In this regard PIO be directed to submit his reply on an affidavit.***

***Reliefs Sought:***

***1. Kindly issue the necessary directions to provide point-wise reply without any further delay free of cost u.s 7(6). If no information exists then the same should be provided on an affidavit.***

***2. Personal hearing in the interest of natural justice must be provided and comments of PIO must be provided in advance of hearing date.”***



6. I have sought the comments from the CPIO with respect to the grounds in the appeal and also on relevant points raised by the Appellant in his appeal.
7. The CPIO has provided his comments via RTI-MIS portal on 17.09.2020. The comments of the CPIO are being reproduced below for the sake of convenience:

Sl No.	Date of Comments & Appeal No.	Comments of the CPIO
1	August 21 <sup>st</sup> , 2020. IGMHY/A/E/20/ 00003	<p>"With reference to the comments sought in First appeal No. IGMHY/A/E/20/00003, I submit following points for your consideration:</p> <p>1) The undersigned has provided the details of FAA as required under RTI act. The same can be verifiable from the letter bearing F.No.IGMH/RTI/2019-20/892 dated 25.08.2020 dispatched by SPEED Post vide Tracking No:EN446040320IN. The same is being sent with this reply.</p> <p>2) The applicant has sought copies of all RTI replies from S.No.2 along with their corresponding copies of outward dak pages. Since, Reply to S.No.2 was 0(Zero), no certified copies could be provided.</p> <p>3) The undersigned has not done any act to obstruct information, the available information in the records had been provided to the applicant."</p>
2.	August 24 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00004	<p>"With reference to the comments sought in First appeal No. IGMHY/A/E/20/00004, I submit following points for your consideration:</p> <p>1) The undersigned has provided the details of FAA as required under RTI act. The same can be verifiable from the letter bearing F.No.IGMH/RTI/2019-20/893 dated 25.08.2020 dispatched by SPEED Post vide Tracking No:EN446040090IN. The same is being sent with this reply.</p> <p>2) The applicant has sought copies of all RTI replies from S.No.2 along with their corresponding copies of outward dak pages. Since, Reply to S.No.2 was 0(Zero), no certified copies could be provided.</p> <p>3) The undersigned has not done any act to obstruct information, the available information in the records had been provided to the applicant."</p>
3.	August 25 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00005	<p>"With reference to the comments sought in First appeal No. IGMHY/A/E/20/00005, I submit following points for your consideration:</p> <p>1) The undersigned has provided the details of FAA as required under RTI act. The same can be verifiable from the letter bearing F.No.IGMH/RTI/2019-20/894 dated 25.08.2020 dispatched by SPEED Post vide Tracking No:EN841712603IN. The same is being sent with this reply.</p> <p>2) The applicant has sought copies of all RTI replies from S.No.2 along with their corresponding copies of outward dak pages. Since, Reply to S.No.2 was 0(Zero), no certified copies could be provided.</p> <p>3) The undersigned has not done any act to obstruct information, the available information in the records had been provided to the applicant."</p>

4.	August 25 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00006	<p>“With reference to the comments sought in First appeal No. IGMHY/A/E/20/00006, I submit following points for your consideration:</p> <p>1) The undersigned has provided the details of FAA as required under RTI act. The same can be verifiable from the letter bearing F.No.IGMH/RTI/2019-20/890 dated 25.08.2020 dispatched by SPEED Post vide Tracking No:EN446040086IN. The same is being sent with this reply.</p> <p>2) The applicant has sought copies of all RTI replies from S.No.2 along with their corresponding copies of outward dak pages. Since, Reply to S.No.2 was 0(Zero), no certified copies could be provided.</p> <p>3) The undersigned has not done any act to obstruct information, the available information in the records had been provided to the applicant.”</p>
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- 8 The Appellant has sought for a personal hearing in this matter, the undersigned in the interests of Natural Justice had decided to provide an opportunity to the Appellant and accordingly fixed the personal hearing on 22.09.2020 at 04.00PM via audio conferencing mode. A letter bearing No.HYD/RTI/19-Appeal/1071 dated 18.09.2020 has been sent to the Appellant via email and RTI-MIS Portal to attend the personal hearing on the said date and time. The CPIO was also directed to attend the hearing along with relevant documents/files pertaining to the connected RTI Reply.
- 9 The Appellant, Shri.Varun Krishna attended the hearing through audio conferencing. Sh.J.Sriharsha, Respondent CPIO(HR) participated in the personal hearing in the office of the undersigned.
- 10 The Appellant in the hearing had initially stated that orders may be passed in the appeals based on the merits of the Case. I have informed the Appellant that I am ready to listen to his contentions in the appeals to decide them accordingly. Then, the appellant stated that as such he does not have any grievance, however, the appellant stated that he do not believe in the reply provided by the CPIO that none of the RTI replies for the Months of June, September, November & December have been sent by ordinary post.
- 11 The respondent CPIO stated that, whatever information as available in the records had been provided to the applicant. The CPIO has also submitted that nothing has been done to obstruct any passage of information to the applicant.
- 12 **Points for Consideration:**
  - a) Whether, the PIO did not provide details and particulars of FAA which is a requirement u/s 7(8)(iii)?
  - b) Whether, the PIO did not provide certified copies of the replies as sought by the appellant?
  - c) Whether, the PIO had obstructed information by stating that no RTI replies have been sent vide ordinary post for Sno 2 to of appellant's RTI Application?
  - d) Whether PIO can be directed to submit his reply on an affidavit?
- 13 The above 04 points standing for consideration of the FAA are dealt as below:
  - a) Whether, the PIO did not provide details and particulars of FAA which is a requirement u/s 7(8)(iii)?  
I have gone through the records pertaining to the above RTI Replies and note that CPIO vide letters bearing No.s 890,892,893 & 894 dated 25.08.2020 has sent his replies by Speed post bearing tracking numbers EN446040086IN, EN841712603IN,

APPEAL No. IGMHY/A/E/20/00003, 00004, 00005 & 00006  
EN446040090IN & EN446040320IN. I note that the letters does contain the particulars of the First Appeal Authority and therefore this point is accordingly answered.

- b) Whether, the PIO did not provide certified copies of the replies as sought by the appellant?

I note that the applicant at Sl.No.3 of the RTI Applications had sought Copies of all RTI Replies from S.No.2 along with their corresponding copies of outward DAK pages for the months of June, September, November & December.

In this regard, I have gone through the RTI replies provided against the RTI Applications in question and find that as the information to S.No.2 is **Zero (0)**, certainly, no certified copies could be provided by the respondent CPIO.

- c) Whether, the PIO had obstructed information by stating that no RTI replies have been sent vide ordinary post for Sno 2 to of appellant's RTI Application?

I note that the applicant at S.No.2 of his 04 RTI applications dated August 21<sup>st</sup>, 24<sup>th</sup> & 25<sup>th</sup> 2020 had sought information pertaining to total number of RTI replies dispatched by ordinary post for the Months of June, September, November & December.

I have gone through the concerned RTI Replies provided by the Respondent CPIO and verified the replies given for S.No.2 for the above months with the DAK register kept before me and found that the reply provided by the respondent is in line with the information available in the concerned register/record.

- d) Whether PIO can be directed to submit his reply on an affidavit?

I note that, as the replies provided by the CPIO against the RTI applications in question in the present appeals are in order and find that submission of replies on an affidavit is not required.

However, it is also made clear that, the appellate authority under the provisions of the RTI Act, 2005 is not vested with any power to direct CPIO or any other official to provide reply or evidence on an affidavit.

14. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

15. With the above observations the Appeal stands disposed.

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,  
Room No. 305, 2nd Floor, CIC Bhawan, Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.**

Place: Hyderabad

Date: September 23<sup>rd</sup>, 2020

F.No. HD/IGM/SPMCIL/RTI/19-IGM-APPEAL./ 1115



(Jyoti Prakash Dash)

**APPELLATE AUTHORITY &  
CHIEF GENERAL MANAGER**

To,  
Shri.Varun Krishna,



**BEFORE THE APPELLATE AUTHORITY**

**(Under the Right to Information Act, 2005)**

**INDIA GOVERNMENT MINT**

**(A Unit of SPMCIL)**

**IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051**

**First Appeal No. IGMHY/A/E/20/00009 dated 23.10.2020**

**First Appeal No. IGMHY/A/E/20/00010 dated 23.10.2020**

**First Appeal No. IGMHY/A/E/20/00011 dated 23.10.2020**

**First Appeal No. IGMHY/A/E/20/00012 dated 23.10.2020**

**First Appeal No. IGMHY/A/E/20/00013 dated 23.10.2020**

Varun Krishna

:

Appellant

Vs.

CPIO(MM), IGMH,  
Hyderabad

:

Respondent

Considering the Similarity of the issues involved both in respect of the RTI Replies and Appeals filed by the appellant, it would be apposite if the same were disposed by way of a common order. Hence, the undersigned issues the following order in all the above appeals.

**COMMON ORDER**

1. The appellant filed 05 RTI applications dated September 14<sup>th</sup> 2020 under the Right to Information Act, 2005 ("**RTI Act**") through the RTI MIS Portal bearing Registration No's: IGMHY/R/E/20/00030, IGMHY/R/E/20/00031, IGMHY/R/E/20/00032, IGMHY/R/E/20/00033 and IGMHY/R/E/20/00034. The respondent disposed of all the above requests vide his RTI replies dated October 13<sup>th</sup>, 2020 to the appellant. The appellant filed the present appeals dated October 23<sup>rd</sup>, 2020 against the above responses. I have carefully considered the applications, the responses and the Appeals and find that the matters can be decided based on the material available on record, by seeking comments from CPIO and providing an opportunity to the Appellant by way of a personal hearing.
2. From the Appeals, I note that the appellant is aggrieved by the respondent's response to his applications for providing incomplete information and for not providing certified copies of the requisite documents.

3. **Queries in the RTI Application:**

Sl No.	Date of Application	Information sought
1	September 14 <sup>th</sup> 2020.	Dear Sir, In compliance with Appeal No:-CIC/BJ/A/2016/000158 Dtd 18.4.16 which has stated that: The Commission draws reference to the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated

	IGMHY/ R/E/20/ 00030	08/08/2007, held as under: "26....." It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007. Please provide certified copies of following information from 1.1.2016 to 31.12.2016: 1. Copies of Technical and Price bid evaluation chart of all the Tenders pertaining to procurement of LDPE Film Rolls. 2. Copies of all the Purchase orders (POs) issued to the firm for Sno 1 along with all the invoices and packing list received by the firms for corresponding POs.
2.	September 14 <sup>th</sup> 2020. IGMHY/ R/E/20/ 00031	Dear Sir, In compliance with Appeal No:-CIC/BJ/A/2016/000158 Dtd 18.4.16 which has stated that: The Commission draws reference to the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007, held as under: "26....." It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007. Please provide certified copies of following information from 1.1.2017 to 31.12.2017: 1. Copies of Technical and Price bid evaluation chart of all the Tenders pertaining to procurement of LDPE Film Rolls. 2. Copies of all the Purchase orders (POs) issued to the firm for Sno 1 along with all the invoices and packing list received by the firms for corresponding POs.
3.	September 14 <sup>th</sup> 2020. IGMHY/ R/E/20/ 00032	Dear Sir, In compliance with Appeal No:-CIC/BJ/A/2016/000158 Dtd 18.4.16 which has stated that: The Commission draws reference to the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007, held as under: "26....." It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007. Please provide certified copies of following information from 1.1.2018 to 31.12.2018: 1. Copies of Technical and Price bid evaluation chart of all the Tenders pertaining to procurement of LDPE Film Rolls. 2. Copies of all the Purchase orders (POs) issued to the firm for Sno 1 along with all the invoices and packing list received by the firms for corresponding POs.
4.	September 14 <sup>th</sup> 2020. IGMHY/ R/E/20/ 00033	Dear Sir, In compliance with Appeal No:-CIC/BJ/A/2016/000158 Dtd 18.4.16 which has stated that: The Commission draws reference to the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007, held as under: "26....." It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007. Please provide certified copies of following information from 1.1.2019 to 31.12.2019: 1. Copies of Technical and Price bid evaluation chart of all the Tenders pertaining to procurement of LDPE Film Rolls. 2. Copies of all the Purchase orders (POs) issued to the firm for Sno 1 along with all the invoices and packing list received by the firms for corresponding POs.
5.	September 14 <sup>th</sup> 2020. IGMHY/ R/E/20/ 00034	Dear Sir, In compliance with Appeal No:-CIC/BJ/A/2016/000158 Dtd 18.4.16 which has stated that: The Commission draws reference to the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007, held as under: "26....." It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007. Please provide certified copies of following information from 1.1.2020 to Date of disposal of this RTI: 1. Copies of Technical and Price bid evaluation chart of all the Tenders pertaining to procurement of LDPE Film Rolls. 2. Copies of all the Purchase orders (POs) issued to the firm for Sno 1 along with all the invoices and packing list received by the firms for corresponding POs.

4. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.

5. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Refused access to Information Requested.*” And stated as below in all the 05 appeals:

*“1. The PIO is obstructing all the information deliberately, knowingly and with the malafide intentions in order to promote corruption in the public authority.*

*2. Several CIC judgements have been issued to the PIO in this regard.*

*3. PIO has not read the RTI properly and is showing contempt of the judgement of Hon’ble Supreme Court of India in SLP (C) No. 18030/2007 which is applicable to all Higher Courts of India under Article 141 which states that:*

*The tender process is completed and the contract has been awarded, therefore, it will not influence the contract. In any view of the matter, the document in question cannot be treated as trade secret or commercial confidence.*

**Relief Sought:**

*I demand for personal hearing in the interest of natural justice.”*

6. I have sought the comments from the CPIO with respect to the grounds in the appeal and also on relevant points raised by the Appellant in his appeal.

7. The CPIO has provided his comments via RTI-MIS portal on 04.11.2020. The comments of the CPIO are being reproduced below for the sake of convenience:

Sl No.	Date of Comments & Appeal No.	Comments of the CPIO
1	November 04 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00009	“Certified Copies of Price bid evaluation chart which gives the ranking of all of the Tenders for procurement of LDPE film rolls during the sought period were provided along with other details (such as Delivery Challans, Packing list and Invoices ) as sought in the RTI application. However, as regards to the request for provision of certified copies of Technical evaluation chart is concerned. It is to inform that the same is exempted from disclosure under Section 8 (1)(d) of the RTI Act, as the information sought is based on the documents submitted by all the tendering parties and it contains essential information of third parties. The information if provided would harm the competitive position of the third party in future tenders of this organisation and other Government organisations, it is understood that the information seeker i.e. RTI applicant is an also owner of a company which deals supplies the product cited in the RTI application i.e. LDPE film rolls and the information of other parties which is provided by them against a tender enquiry is expected to be kept confidential by us and provision of the same would primarily be a breach of trust between IGMH and the firms who participated in the tender. Since the RTI applicant himself is owner of a firm supplying the same product, the information



		sought is considered not to be sought in larger public interest. Further , kind attention is drawn to complaint No. CIC/IGMHY/C/2018/635650 made by one of the RTI applicants on the same subject and the CIC, after hearing the submissions of both the parties i.e. RTI applicant & CPIO and after perusal of records, observed that the information sought by the complainant was exempted from disclosure under Section 8(1)(d) of the RTI Act, as it would harm the competitive position of the third party. Hence taking cognizance of the same order the particular information was not provided to the RTI applicant, however all the other details were provided to the RTI applicant with due diligence.”
2.	November 04 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00010	“Certified Copies of Price bid evaluation chart which gives the ranking of all of the Tenders for procurement of LDPE film rolls during the sought period were provided along with other details (such as Delivery Challans, Packing list and Invoices ) as sought in the RTI application. However, as regards to the request for provision of certified copies of Technical evaluation chart is concerned. It is to inform that the same is exempted from disclosure under Section 8 (1)(d) of the RTI Act, as the information sought is based on the documents submitted by all the tendering parties and it contains essential information of third parties. The information if provided would harm the competitive position of the third party in future tenders of this organisation and other Government organisations, it is understood that the information seeker i.e. RTI applicant is an also owner of a company which deals supplies the product cited in the RTI application i.e. LDPE film rolls and the information of other parties which is provided by them against a tender enquiry is expected to be kept confidential by us and provision of the same would primarily be a breach of trust between IGMH and the firms who participated in the tender. Since the RTI applicant himself is owner of a firm supplying the same product, the information sought is considered not to be sought in larger public interest. Further , kind attention is drawn to complaint No. CIC/IGMHY/C/2018/635650 made by one of the RTI applicants on the same subject and the CIC, after hearing the submissions of both the parties i.e. RTI applicant & CPIO and after perusal of records, observed that the information sought by the complainant was exempted from disclosure under Section 8(1)(d) of the RTI Act, as it would harm the competitive position of the third party. Hence taking cognizance of the same order the particular information was not provided to the RTI applicant, however all the other details were provided to the RTI applicant with due diligence.”
3.	November 04 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00011	“Certified Copies of Price bid evaluation chart which gives the ranking of all of the Tenders for procurement of LDPE film rolls during the sought period were provided along with other details (such as Delivery Challans, Packing list and Invoices ) as sought in the RTI application. However, as regards to the request for provision of certified copies of Technical evaluation chart is concerned. It is to inform that the same is exempted from disclosure under Section 8 (1)(d) of the RTI Act, as the information sought is based on the documents submitted by all the tendering parties and it contains essential information of third parties. The information if provided would harm the competitive position of the third party in

		<p>future tenders of this organisation and other Government organisations, it is understood that the information seeker i.e. RTI applicant is an also owner of a company which deals supplies the product cited in the RTI application i.e. LDPE film rolls and the information of other parties which is provided by them against a tender enquiry is expected to be kept confidential by us and provision of the same would primarily be a breach of trust between IGMH and the firms who participated in the tender. Since the RTI applicant himself is owner of a firm supplying the same product, the information sought is considered not to be sought in larger public interest. Further , kind attention is drawn to complaint No. CIC/IGMHY/C/2018/635650 made by one of the RTI applicants on the same subject and the CIC, after hearing the submissions of both the parties i.e. RTI applicant &amp; CPIO and after perusal of records, observed that the information sought by the complainant was exempted from disclosure under Section 8(1)(d) of the RTI Act, as it would harm the competitive position of the third party. Hence taking cognizance of the same order the particular information was not provided to the RTI applicant, however all the other details were provided to the RTI applicant with due diligence.”</p>
4.	November 04 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00012	<p>“Certified Copies of Price bid evaluation chart which gives the ranking of all of the Tenders for procurement of LDPE film rolls during the sought period were provided along with other details (such as Delivery Challans, Packing list and Invoices ) as sought in the RTI application. However, as regards to the request for provision of certified copies of Technical evaluation chart is concerned. It is to inform that the same is exempted from disclosure under Section 8 (1)(d) of the RTI Act, as the information sought is based on the documents submitted by all the tendering parties and it contains essential information of third parties. The information if provided would harm the competitive position of the third party in future tenders of this organisation and other Government organisations, it is understood that the information seeker i.e. RTI applicant is an also owner of a company which deals supplies the product cited in the RTI application i.e. LDPE film rolls and the information of other parties which is provided by them against a tender enquiry is expected to be kept confidential by us and provision of the same would primarily be a breach of trust between IGMH and the firms who participated in the tender. Since the RTI applicant himself is owner of a firm supplying the same product, the information sought is considered not to be sought in larger public interest. Further , kind attention is drawn to complaint No. CIC/IGMHY/C/2018/635650 made by one of the RTI applicants on the same subject and the CIC, after hearing the submissions of both the parties i.e. RTI applicant &amp; CPIO and after perusal of records, observed that the information sought by the complainant was exempted from disclosure under Section 8(1)(d) of the RTI Act, as it would harm the competitive position of the third party. Hence taking cognizance of the same order the particular information was not provided to the RTI applicant, however all the other details were provided to the RTI applicant with due diligence.”</p>

5.	November 04 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00013	“Certified Copies of Price bid evaluation chart which gives the ranking of all of the Tenders for procurement of LDPE film rolls during the sought period were provided along with other details (such as Delivery Challans, Packing list and Invoices ) as sought in the RTI application. However, as regards to the request for provision of certified copies of Technical evaluation chart is concerned. It is to inform that the same is exempted from disclosure under Section 8 (1)(d) of the RTI Act, as the information sought is based on the documents submitted by all the tendering parties and it contains essential information of third parties. The information if provided would harm the competitive position of the third party in future tenders of this organisation and other Government organisations, it is understood that the information seeker i.e. RTI applicant is an also owner of a company which deals supplies the product cited in the RTI application i.e. LDPE film rolls and the information of other parties which is provided by them against a tender enquiry is expected to be kept confidential by us and provision of the same would primarily be a breach of trust between IGMH and the firms who participated in the tender. Since the RTI applicant himself is owner of a firm supplying the same product, the information sought is considered not to be sought in larger public interest. Further, kind attention is drawn to complaint No. CIC/IGMHY/C/2018/635650 made by one of the RTI applicants on the same subject and the CIC, after hearing the submissions of both the parties i.e. RTI applicant & CPIO and after perusal of records, observed that the information sought by the complainant was exempted from disclosure under Section 8(1) (d) of the RTI Act, as it would harm the competitive position of the third party. Hence taking cognizance of the same order the particular information was not provided to the RTI applicant, however all the other details were provided to the RTI applicant with due diligence.”
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- 8 The Appellant has sought for a personal hearing in this matter; the undersigned in the interests of Natural Justice had decided to provide an opportunity to the Appellant and accordingly fixed the personal hearing on 09.11.2020 at 04.00PM via audio conferencing mode. The same was intimated via RTI-MIS Portal to attend the personal hearing on the said date and time. The CPIO (MM) was also directed to attend the hearing along with relevant documents/files pertaining to the connected RTI Reply.
- 9 The Appellant, Shri.Varun Krishna attended the hearing through audio conferencing. Sh.Himanshu, Respondent CPIO (MM) participated in the personal hearing in the office of the undersigned.
- 10 The Appellant sought case-by-case hearing in all the above appeals for which the undersigned had agreed. The following facts emerged during the hearing:

**a) Appeal No: IGMHY/A/E/20/00009**

1) The Appellant took note of the judgment of the Division bench of Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007 and reiterated the order of the High court as below:

*27. .... Since the tender process is completed and contract has been awarded, it will not influence the contract. Besides the above, a citizen has a*



APPEAL No. IGMHY/A/E/20/00009, 00010, 00011, 00012 & 00013  
*right to know the genuineness of a document submitted by the tenderer in the matter of grant of tender for consultancy work or for any other work. As noticed above, the tender process is completed and the contract has been awarded, therefore, it will not influence the contract. In any view of the matter, the document in question cannot be treated as trade secret or commercial confidence. In our considered opinion a contract entered into by the public authority with a private person cannot be treated as confidential after completion of contract."*

- 2) Further, the Appellant mentioned that the said decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and Hon'ble Supreme Court dismissed on 5th October, 2007 and that it is applicable to all courts and institutions in the Country.
- 3) The Appellant reiterated the contents of Sec.8 (1) (d) and Sec. 11 of the RTI Act
- 4) The Appellant has stated that he has sought technical evaluation chart of the tenders and as per the Supreme Court Judgment when the tender has been finalized nothing can be treated as Commercial Confidence. Also, the Appellant stated that Technical Bid says about why the tender of a party has been rejected with respect to eligibility criteria laid out in the tender Document and that the Tender Evaluation Committee(TEC) should verify whether the party is meeting the relevant criteria or not.
- 5) The Appellant reiterated that he had quoted the Supreme Court Judgment falls under Article 141 it applies to all high courts in India and if any PIO or officer has violated the said judgment then the Contempt petition can be filed directly in the Supreme Court of India and stated that the case involves larger public interest and the information should be disclosed.
- 6) The respondent CPIO referred to the decision of CIC in Second Appeal No:CIC/IGMHY/A/2017/124187-BJ dated 05.10.2017 and mentioned that in the above case the appellant has took note of the decision of the Jharkhand High Court, in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 which involves non-provision of Techno-commercial bids. The respondent reiterated that the case does involve commercial confidence and in the larger public interest the information was not provided to the Appellant.
- 7) In response to the above contention of the CPIO, the Appellant has sought how the Competitive interest of the third party is harmed. He also reiterated that he is not seeking any formula for manufacturing the product then it can be said as harming competitive Interest of third party. The appellant also stated that if a TEC report is having any specific mention regarding the manufacturing process, then the same can be severed and information can be provided. He has informed that all he wants to know is why the tender of a particular party is rejected in the larger public interest. Lastly, the Appellant stated that the CPIO is quoting the judgment of CIC as against the Judgment of the Supreme Court which is not acceptable. Further, he stated the Supreme Court judgment supersedes CIC & High Court judgment.
- 8) The respondent CPIO referred the earlier CIC appeal and the position taken not to provide technical specification revelation would lead to the commercial position of those parties.
- 9) The Appellant stated that he is not asking for Technical specifications and CPIO is referring to technical specifications and that he is seeking for TEC report. The appellant agreed to the fact that the technical specifications cannot be provided.
- 10) The respondent CPIO stated that the TEC report include each and everything and

technical specifications of the firm, competitive position of the firm are part and parcel of the TEC report.

11) The Appellant mentioned that technical specifications are already open as they are mentioned in the Tender document. If a need arises the same can be hid and other information can be provided.

12) The FAA had sought clarification from the Appellant if the criterion is hid how it will help him.

13) The appellant reiterated that he does not need the specifications and all he wanted to know why the tender was rejected. Further, he once again referred the Supreme Court Judgment and requested to provide the information sought.

**b) Appeal No: IGMHY/A/E/20/00010**

1) The Appellant requested to take note of the contentions brought out by him in the Appeal No. IGMHY/A/E/20/00009.

**c) Appeal No: IGMHY/A/E/20/00011**

1) The Appellant requested to take note of the contentions brought out by him in the Appeal No. IGMHY/A/E/20/00009 and once again noted that Sec.8(1)(d) is not applicable in this case and referred the Supreme Court Judgment as was referred in the earlier case.

2) The Appellant also took exception to the fact that he did not receive the requisite reply through Speed Post although the RTI application was disposed of online. Further the Appellant also informed that he has not received the packing list of the purchase orders as sought by him in his RTI application. Also, the Appellant noted that certified copies have to be dispatched through Speed Post.

3) The Respondent CPIO informed that he had uploaded all documents duly certified along with a stamp to this effect. Further, he has stated that as such wherever packing list is available in the file, the same were provided to the applicant and wherever the Unit has not received the packing list the same could not be provided.

4) The Appellant also stated that the RTI reply is to be treated as delayed as he is not in receipt of the certified copies till date.

**d) Appeal No: IGMHY/A/E/20/00012 & 00013**

1) The Appellant requested to take note of the contentions brought out by him in the Appeal No. IGMHY/A/E/20/00009.

2) The Appellant stated that the RTI reply was not sent by Speed Post and that he is not in receipt of the certified copies till date. Further the Appellant also informed that he has not received the packing list of the purchase orders as sought by him in his RTI application.

3) The Respondent CPIO informed that he had uploaded all documents duly certified along with a stamp to this effect for which the Appellant stated that the scanned copies are not equal to certified copies.

11. Points for Consideration emanating from the RTI Applications, CPIO's Replies & Contentions of the Appellant & CPIO during the hearing:

- a) Whether, the Technical Evaluation Charts for the tenders pertaining to LDPE Film Rolls during the period 01.01.2016 to the Date of Disposal of RTI Application(13.10.2020) be provided to the Applicant in line with his request to comply decision of CIC in Appeal No:-CIC/BJ/A/2016/000158 wherein the Judgment of Jharkhand High Court in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007 and Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007 were referred? Whether any larger public interest is involved in the case of disclosure?
- b) Whether, the PIO did not provide certified copies of the replies as sought by the appellant and whether sending the reply and documents by Speed Post is Essential?
- c) Whether, the PIO had not provided relevant copies of the Packing List as sought by the Appellant in his RTI Application?
- d) Whether the RTI reply provided by the CPIO is to be treated as delayed as the Appellant is not in receipt of the certified copies till date by speed post?

12. The above 04 points standing for consideration of the FAA are dealt as below:

- a) Whether, the Technical Evaluation Charts for the tenders pertaining to LDPE Film Rolls during the period 01.01.2016 to the Date of Disposal of RTI Application(13.10.2020) be provided to the Applicant in line with his request to comply decision of CIC in Appeal No:- CIC/BJ/A/2016/000158 wherein the Judgment of Jharkhand High Court in State of Jharkhand v. Navin Kumar Sinha and Anr., AIR 2008 Jharkhand 19 dated 08/08/2007 and Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007 were referred?

- i) The Contentions of the Rival parties were heard in detailed by the undersigned during the personal hearing and referred to the RTI Applications of the Appellant, Replies provided by the CPIO and the concerned files containing the requisite information.
- ii) Reference is hereby being drawn to Section 8(1)(d) of the RTI Act, 2005 which inter-alia states as below:

*"Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen.. information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;"*

- iii) Further, the FAA has gone through the relevant files containing the requisite information sought by the Appellant and the technical evaluation committee's report is based on the various documents submitted by all tendering parties and it was a collective report. Therefore, it contained information of third parties which were provided to the Public Authority during the tender process.
- iv) It is pertinent here to note that the present Appellant had raised a similar issue before the Hon'ble CIC in Appeal No. CIC/IGMHY/A/2017/124187-BJ. During the course of hearing in the said case the Appellant submitted that the information sought could not be exempted post contracts and referred to the decision of State of Jharkhand and Anr. v. Navin Kumar Sinha and Anr. dated 08.08.2007 in W.P. (C) No. 1662 of 2007 which was also referred in the



present first appeal. In the Course of the hearing in the second appeal which is the subject matter of present discussion, the Commission observed that a similar matter had already been decided in Appeal No. CIC/MP/A/2016/001729 dated 06.01.2017 wherein the CPIO was directed to give of portion of the TEC report relevant to the Appellant's Company keeping in view section 10 (1) of the RTI Act, 2005. The Hon'ble CIC also observed that it had not been vested with the power to review earlier decision by the RTI Act, 2005 and any new observation as regards the matters already decided would tantamount to exceeding its powers by the Commission. The said decision was delivered by the CIC on 05.10.2017.

- v) 'Commercial confidence' pertains to the practice whereby a business may withhold information due to the apprehension of perceived harm to commercial interests. Hence, in the present case the public authority is holding the information in commercial confidence.
- vi) The Appellant during the course of the hearing has sought for provision of information in larger public interest. Black's Law Dictionary defines "public interest" as follows:

- 1. The general welfare of the public that warrants recognition and protection.**
- 2. Something in which the public as a whole has a stake especial an interest that justifies governmental regulation.**

The Hon'ble Supreme Court of India in *Babu Ram Verma v. State of Uttar Pradesh* (1971) IILLJ 235 All9, has interpreted the expression 'public interest' to mean an act beneficial to general public and an action taken for public purpose. However, it stated that it is impossible to define what 'public purpose' is as it differs from case to case. In each case, facts and circumstances would have to be examined in order to determine whether the information fulfils public interest or public purpose.

It was brought to the notice of the FAA that the Appellant represents the company M/s Aerographic Papers Pvt. Ltd which submitted bids for the tenders of LDPE film rolls which is the subject matter of this Appeal. Hence, the Appellant's contentions to disclose the information on larger public interest cannot be acceded to in light of the definition of Public interest as discussed above read with the interpretation provided by the Hon'ble Supreme Court of India.

- vii) Hence, in pursuance of the earlier decided cases and relevant provisions of the RTI Act provision of technical evaluation committee's report which is based on the documents submitted by all tendering parties can be considered as exempted under Section 8(1) (d) of the RTI Act.

- b) Whether, the PIO did not provide certified copies of the replies as sought by the appellant and whether sending the reply and documents by Speed Post is Essential?**

The Appellant in the course of hearing stated that he is not in receipt of certified copies of the documents by Speed Post. It is to mention here that an RTI applicant can very well seek for certified copies of the documents and records from a Public Authority under Section 2(j) (ii) of the RTI Act, 2005. During the course of the hearing the respondent CPIO had informed that the RTI Reply along with certified copies have been uploaded in the RTI-MIS portal during the disposal of the RTI application. The undersigned verified the RTI-MIS portal and found that wherever the size of the file permitted the same were uploaded on the RTI-MIS portal and wherever the size of the file is heavy the same were sent by Speed post. It is to mention here that, information has to be provided to the

applicant in prescribed communication mediums and information is to be treated as communicated when it has come to the knowledge of the person that it was supposed to have been made to. In this context, it is observed that the information pertaining to some RTI requests were provided by Speed post and some by uploading in the RTI Portal. Since, the undersigned has received the First appeals through RTI-MIS portal and the same indicates that the information has been communicated. Hence, providing an RTI reply by speed post is not essential considering the e-governance initiatives of the Hon'ble CIC.

However, in the interest of Justice, the CPIO is hereby directed to forward all the RTI replies not sent to the Appellant physically by Speed Post within 07 working days from the date of issue of this RTI reply. It is to note here that, on the date of issue of this order the respondent CPIO (MM) has been relieved consequent upon his transfer. Hence, this direction shall be implemented upon by CPIO (HR).

- c) **Whether, the PIO had not provided relevant copies of the Packing List as sought by the Appellant in his RTI Application?**

With reference to the Appellant's contention regarding non-provision of relevant copies of the packing list, it is to state that the FAA has gone through the requisite files of the tenders/purchase orders in question and find that wherever the suppliers have provided the packing lists with original invoices the same were provided to the Appellant. Therefore, this point is accordingly answered.

- d) **Whether the RTI reply provided by the CPIO is to be treated as delayed as the Appellant is not in receipt of the certified copies till date by speed post?**

As discussed elaborately in point 12(b) above information is to be treated as communicated when it has come to the knowledge of the person that it was supposed to have been made to. In this context, it is observed that the information pertaining to some RTI requests were provided by Speed post and some by uploading in the RTI Portal. Therefore, no delay is observed in providing the relevant information.

13. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO except as indicated above.
14. Further, it is observed that Appellant has been approaching the Public Authority very often with various similar RTI applications. In this regard, the Appellant's notice is hereby brought to the CIC order in Appeal No. CIC/SA/A/2016/001683/MP dated 30.10.2017 between Shri.Alauddin, Aligarh v. Aligarh Muslim University, Aligarh. The Appellant's notice is also brought to the fact that already the Public Authority is functioning with skeletal manpower and multiple applications are draining valuable time of the officials of the public authority.
15. **With the above observations the Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

Central Information Commission,  
Room No. 305, 2nd Floor,  
CIC Bhawan,  
Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.



(Jyoti Prakash Dash)

Place: Hyderabad

Date: November 12<sup>th</sup>, 2020

APPELLATE AUTHORITY &

F.No. HD/IGM/SPMCIL/RTI/19-IGM-APPEAL/ 1509 CHIEF GENERAL MANAGER

To,  
Shri. Varun Krishna,





**BEFORE THE APPELLATE AUTHORITY**

(Under the Right to Information Act, 2005)

**INDIA GOVERNMENT MINT**

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/20/00008 dated 23.10.2020.

First Appeal No. IGMHY/A/E/20/00014 dated 23.10.2020.

Varun Krishna	:	Appellant
	Vs.	
CPIO(HR), IGMH, Hyderabad	:	Respondent

Considering the Similarity of the issues involved both in respect of the RTI Appeals filed by the appellant and facts emerged during the personal hearing, it would be apposite if the same were disposed by way of a common order. Hence, the undersigned issues the following order in all the above appeals.

**COMMON ORDER**

1. The appellant filed two RTI application's which were received as a transfer from SPMCIL Headquarters on 17.09.2020 under the Right to Information Act, 2005 ("RTI Act") through the RTI MIS Portal bearing Registration No's: IGMHY/R/T/20/00023 & IGMHY/R/T/20/00021. The respondent disposed of all request vide his RTI replies dated October 16<sup>th</sup>, 2020 and October 1<sup>st</sup> 2020 to the appellant. The appellant filed the present appeal dated October 23<sup>rd</sup>, 2020 against the above responses. I have carefully considered the applications, the responses and the Appeals and find that the matter can be decided based on the material available on record, by seeking comments from CPIO and providing an opportunity to the Appellant by way of a personal hearing.
2. From the Appeals, I note that the appellant is aggrieved by the respondent's response to his applications for refusing the access to information requested.

**3. Queries in the application:**

Sl No.	Date of Application	Information sought
1	September 17 <sup>th</sup> , 2020. IGMHY/R/T/20/00023	(a) Subject matter of information: Pertaining to CIC Decisions containing show cause notices issued to the officials of SPMCIL and it's units. (b) The period to which information relates: 1.1.2020 to Date of this RTI. (c) Description of Information required: Please provide certified copies of the following: 1. Total number and List of cases where show cause notices are issued to PIOs by the CIC along with name and designation of each PIO. 2. Copy of submitted show cause explanation by the erring PIO for Sno 1. 3. Action taken report by the office of controlling authority upon erring PIO for strengthening RTI Act upon the erring PIO mentioned at Sno 1. 4. Name, designation,

		and all the phone numbers (reimbursed by SPMCIL) of the controlling authority.
2.	September 17 <sup>th</sup> , 2020. IGMHY/R/T/20/00021	(a) Subject matter of information: Pertaining to CIC Decisions where penalty is imposed upon the officials of SPMCIL and it's units. (b) The period to which information relates: 1.1.2020 to Date of this RTI. (c) Description of Information required: Please provide certified copies of the following: 1. Total number and List of cases where penalty is imposed upon the PIOs by the CIC along with name and designation of each PIO. 2. Date on which the penalty has been submitted for each case mentioned at Sno 1. 3. Action taken report by the office of controlling authority upon erring PIO for strengthening RTI Act upon the erring PIO mentioned at Sno 1. 4. Name, designation, and all the phone numbers (reimbursed by SPMCIL) of the controlling authority. 5. Whether any of the imposed penalty has been reimbursed back to the erring PIO (Refer case of penalty reimbursement of Shri V. Balaji)? 6. Dates on which the imposed penalty details has been entered on the annual performance report of the concerned PIO? Provide the copies of all the documents which were prepared, executed, issued, and received along with file noting and signatures of the officials.

- 4 The respondent provided the information to the appellant within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
- 5 **Grounds in both the Appeals** – The appellant raised the appeal on the ground that, the CPIO “*Refused access to Information Requested.*” And stated as below in the appeals:  
*“The PIO is obstructing all the information deliberately, knowingly and with the malafide intentions.  
I demand for personal hearing in the interest of natural justice.”*
- 6 I have sought the comments from the CPIO with respect to the grounds in the appeals and also on relevant points raised by the Appellants in his appeal.
- 7 The CPIO has provided his comments via RTI-MIS portal on 05.11.2020 with respect to IGMHY/A/E/20/00008 & Physically on 05.11.2020 with respect to Appeal No.IGMHY/A/E/20/00014. The comments of the CPIO are being reproduced below for the sake of convenience:

Sl No.	Date of Comments & Appeal No.	Comments of the CPIO
1	November 05 <sup>th</sup> , 2020. IGMHY/A/E/20/00008	Sir, CIC vide its orders dated 17.07.2020, 05.08.2020 and 11.08.2020 in its complaint proceedings had issued Show cause notices to 03 former CPIOs in pursuance to the RTI Replies provided to the applicant/complainant. The CPIO has directed the undersigned as the present CPIO as below: “The present CPIO is directed to ensure service of this order to the then CPIO.” In pursuance of the same the undersigned has served the Show cause notices to the then CPIOs. However, the replies of the then CPIOs to the CIC are not available with the undersigned

		or in the records maintained at this office. Hence, the undersigned has provided a reply stating that the said information is not available on records. Hence, it is requested to consider my submission before disposal of the First Appeal.
2.	November 05 <sup>th</sup> , 2020. IGMHY/A/E/20/ 00014	Sir, CIC vide its order in CIC/IGMHY/C/2018/636924 DATED 10.08.2020 had imposed a penalty of Rs.500/- upon Sh. Ajay Kumar Yadav, Deputy Manager(HR) and as the official has been transferred to SPMCIL Corporate Office information pertaining to Sl.No.3,5 & 6 are not available at this Mint. The same has been communicated to the Applicant in the RTI reply. Hence, the undersigned has provided a reply stating that the said information is not available on records. Hence, it is requested to consider my submission before disposal of the First Appeal.

8. The Appellant has sought for a personal hearing in this matter; the undersigned in the interests of Natural Justice had decided to provide an opportunity to the Appellant and accordingly fixed the personal hearing on 09.11.2020 at 04.00PM via audio conferencing mode. The same was intimated via RTI-MIS Portal to attend the personal hearing on the said date and time. The CPIO (HR) was also directed to attend the hearing along with relevant documents/files pertaining to the connected RTI Reply.
9. The Appellant, Shri. Varun Krishna attended the hearing through audio conferencing. Sh. J.Sriharsha, Respondent CPIO (HR) participated in the personal hearing in the office of the undersigned.
10. The Appellant reiterated the contents of his RTI Application in the hearing. I have sought the reply of the respondent CPIO as to why the copies of the Show Cause Notice explanations of the former CPIOs have not been provided to the Appellant.

CPIO(HR) responded that CIC vide its orders dated 17.07.2020, 05.08.2020 and 11.08.2020 in its complaint proceedings had issued Show cause notices to 03 former CPIOs and that the CIC in its orders had directed him as the present CPIO to ensure service of the orders to the then CPIO's. The CPIO stated that he had accordingly served all the orders to the respective former CPIOs and after that the Public Authority is not in receipt of the replies of the Show Cause notices and accordingly they are not on record. Further the respondent CPIO stated that some of the former CPIOs have been transferred. The Appellant contended that in the event any official has been transferred the CPIO ought to have transferred the RTI application to corporate office.



I have stated to the applicant that subsequent to the orders of the CIC show cause notices have to be served upon the officials and that they are not arising out of new RTI requests for which the Appellant had stated that he understands the same and informed that since the officials have been transferred the information is not available in the IGM, Hyderabad.

The Appellant contended that there are two sections in the RTI Act and Sec.6(3) of the RTI Act applies when the Public Authority do not have the information the same needs to be transferred to the Public Authority which has the information.

The Respondent CPIO has replied and stated that the RTI matter under consideration have been received from SPMCIL Corporate office under transfer to the unit under Sec.6 (3) of the RTI Act. The Appellant replied to the above contention of the CPIO that the present CPIO is already aware that in one of the Cases an RTI was transferred from corporate office to the present CPIO, the Present CPIO has transferred back the RTI to Corporate office stating that the information is not available in the Unit.

The Appellant Further sought whether two other former CPIOs are also not in the Unit for which the Respondent replied that one former CPIO is transferred to Security Printing Press and such all the former CPIOs replies to the show cause notices have not been forwarded to IGM, Hyderabad and that they might have individually given the replies directly and RTI Cell does not have the requisite information on record. The Appellant asked the CPIO not to give evading replies and that the RTIs ought to have been transferred to which the respondent CPIO stated that he is not giving any evasive reply and reiterated his replies given to the Appellant.

The Appellant again reiterated that wherever the information is not available he would have transferred it to the concerned Public Authority. The undersigned had sought a clarification from the appellant whether CIC had directed to provide the Show Cause notice reply to the Appellant for which the Appellant has stated that the CPIO would have claimed exemption and stated that CIC has not directed to provide the same but the same was his right and that there are several judgments of CIC. The Appellant further stated that when he had filed an RTI demanding reply of the show cause notice replies the CPIO ought have claimed exemption for which CPIO had made clear that as such there is no scope of claiming exemption as the information itself is not available in the records and he cannot provide the same.

The Appellant reiterated that if the information is not available the RTI should have been transferred and that he knows that the information is not available with the CPIO. The Appellant further stated that he agrees to the point that the information is not available as the PIO got transferred and he is only asking for transfer of the RTI.

The respondent CPIO reiterated that, as the relevant records are not available with him the same could not be provided for which the Appellant has requested me to give an order and whatever be the order he will go to CIC.

11. **Points for Consideration:**

- a) Whether, the PIO refused access to information requested by the Appellant with respect to the non-supply of explanation to the Show Cause notices issued by the Hon'ble CIC to 03 Former PIO's?
- b) Whether, PIO refused access to information requested by the Appellant pertaining to S.No. 3, 5 & 6 of the RTI application bearing Reg.No. IGMHY/R/T/20/00021 corresponding to First Appeal No. IGMHY/R/A/20/00014 ?

12. The above 02 points standing for consideration of the FAA are dealt as below:

- a) Whether, the PIO refused access to information requested by the Appellant with respect to the non-supply of explanation to the Show Cause notices issued by the Hon'ble CIC to 03 Former PIO's?

I have gone through the records pertaining to the above RTI Replies and inspected the particular files where the Orders of the CIC have been filed along with intimation to concerned former PIOs. However, I could not find any reply to the Show-Cause notices submitted by the respective former CPIOs in reply to the Show Cause Notices issued by Hon'ble CIC. Therefore, the same cannot be construed as refusing access to the information as the same is not available in the records.

The Appellant during the hearing have submitted his contentions by referring to the relevant provisions of the RTI Act. In this regard, the notice of the applicant is hereby being brought to the fact that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. In this context, the decision of the Hon'ble Supreme Court of India in *Khanapuram Gandiah v. Administrative Officer and Ors.* in SLP (C).34868 OF 2009 is referred wherein it was held as under:

**6. "....Under the RTI Act "information" is defined under Section 2(f) which provides:**

***"information" means any material in any form, including records, documents, memos, e-mails, opinions, ad vices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."***

***This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."***

**7. ". . . . the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law.**

*Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."*

During the course of the Personal Hearing the Appellant contended that in the event the said information is not available with the Public Authority, the CPIO ought to have transferred the RTI application to SPMCIL Corporate office or any other Public Authority which possess the said information.

I agree with the above contention of the Appellant in general, however, in the present circumstances, it is observed that the request itself was received on transfer u/s 6(3) of the RTI Act, 2005 from SPMCIL Corporate office. I note that the Concerned CPIO/Nodal officer of the SPMCIL Corporate office might in the best interests have transferred the RTI to IGM, Hyderabad after examining whether the information is available with the Public Authority which he belongs. Hence, the contention cannot be acceded to in the given circumstances.

- b) Whether, PIO refused access to information requested by the Appellant pertaining to S.No. 3, 5 & 6 of the RTI application bearing Reg.No. IGMHY/R/T/20/00021 corresponding to First Appeal No. IGMHY/R/A/20/00014?

I note that the CPIO has provided requisite information to Sl.No's 1,2 & 4 and in connection with Sl.no's 3, 5 & 6 the CPIO has replied that, *"As the official Mentioned in Query.1 has been transferred to SPMCIL, New Delhi, no information pertaining to the queries is available as per the available records maintained at this Mint."*

The FAA acknowledges the fact that the information sought against the official has been transferred to the SPMCIL corporate office, New Delhi and requisite records pertaining to him as sought in Sl.No's 3, 5 & 6 is linked with respect to penalty imposed by CIC. The CPIO in his RTI reply has stated that the same and enclosed a letter of the unit bearing No. HD/IGM/RTI/2019-20/875 dated 25.08.2020 addressed to SPMCIL Corporate office for implementation and complying with CIC Orders. Hence, the same shall not be available with this Public Authority.

Further the Applicant filed the said RTI with SPMCIL Corporate office with the following subject matter of information: *"Pertaining to CIC Decisions where penalty is imposed upon the officials of SPMCIL and it's units"* on 15.09.2020. SPMCIL corporate office has transferred the RTI among all units on 17.09.2020 with the following remarks, *"The information sought pertaining to CIC Decision where penalty is imposed upon the officials of SPMCIL and its Units. Therefore, the RTI request is also transferred to Unit u/s 6(3) of the RTI Act."*

As, the official against whom the penalty is imposed has been transferred to Corporate office in the Month of July, 2020 and is under the strength of Corporate office since then and further as it is evident from the letter dated 25.08.2020 of this unit wherein the orders of the Commission against the official on whom the penalty is imposed have been communicated to Corporate office for compliance it can be



construed that the said information if any available shall be provided by Corporate office. Therefore, it cannot be construed as refusing access to the information.

13. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

14. **With the above observations the Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,  
CIC Bhawan,  
Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.**

Place: Hyderabad

Date: November 17<sup>th</sup>, 2020

F.No. HD/IGM/SPMCIL/RTI/19-IGM-APPEAL/1547



(Jyoti Prakash Dash)

**APPELLATE AUTHORITY &  
CHIEF GENERAL MANAGER**

To,  
Shri. Varun Krishna,



**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**INDIA GOVERNMENT MINT**  
**(A Unit of SPMCIL)**  
**IDA.PHASE-II, CHERLAPALLY, Hyderabad – 500 051**

**First Appeal No. 15/2020 dated 20.11.2020.**

Qayyum Bin Mohammed	:	Appellant
	Vs.	
CPIO(HR), IGM, Hyderabad	:	Respondent

**ORDER**

1. The appellant filed an RTI application dated October 08<sup>th</sup> 2020 under the Right to Information Act, 2005 (“**RTI Act**”) through the offline mode and registered on RTI portal by the CPIO(HR) bearing Legacy Request No: IGMHY/R/L/20/00001. The respondent disposed of all the above request vide his RTI reply dated November 04<sup>th</sup>, 2020 to the appellant. The appellant filed the present appeal dated November 20<sup>th</sup>, 2020 received on 23.11.2020 against the above response.
2. I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
3. From the Appeal, I note that the appellant is aggrieved by the respondent’s response to his applications for Refusing access to Information Requested by the applicant.

4. **Queries in the application:**

Sl No.	Date of Application	Information sought
1	October 08 <sup>th</sup> 2020	Urgently needed the documents filing before Hon’ble Court at Hyderabad Copies 1) Superannuation Certificate of Md.Bin Abdullah S/o Md. Bin Salam, 2) PPO A/c No. 3) SB A/c number of the deceased pensioner and branch of the bank, 4) PAN card, 5) Family particulars deceased pensioner as per service register

5. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.

6. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Refused access to Information Requested.*” And stated as below in the appeal:

***“The Appellant further submits that the Department itself having maintaining record system of the pensioner then the question of tracing out the records by the token number is not satisfactory Pension departments having all***

*responsible to look into the matter and issue the records as early as possible, delaying the records could be considerably looking into denial of facts that the pensioner is not the pensioner of the department concerned, it is for most duty that a deceased pensioner family matters could be looked into seriously whereas the appellant who is employee as well as pensioner and deceased person of the department. Who served his services may be understood and rightly provide justice to the family when the family at a dispute for the succession and partitions among the children of the deceased pension above said. It is pertinent to note that the token is for in service employee and PPO No for pensioners, who could a pensioner mention is token no in the absence of service.*

*It is therefore prayed that, the above said documents which are necessary for the purpose of filing civil suit for the settlement of the dispute among the family members of the deceased pensioner Mohd Bin Abdullah S/o Mohd Bin Salam ( chaush) and same may be complied in the interest of justice.”*

7. I note that the appellant had sought the details of 1) Superannuation Certificate of Md.Bin Abdullah S/o Md. Bin Salam, 2) PPO A/c No. 3) SB A/c number of the deceased pensioner and branch of the bank, 4) PAN card, 5) Family particulars deceased pensioner as per service register. Whereas, the respondent CPIO vide his reply dated 04.11.2020 has informed the Appellant that the information could not be traced out as the appellant have not mentioned the Token number by which employees are recognized. Further, the CPIO noted that Date/Month/Year of retirement of Sh. Mohd Bin Abdullah was not mentioned for tracing the records and considering the case for disclosure of information under RTI Act, 2005.

8. **Points for Consideration:**

- a) **Whether the CPIO refused the information to the applicant on the pretext of not providing Token Number and Date/Month/Year of retirement of Sh.Mohd.Bin Abdullah?**
- b) **Whether the information requested can be provided to the applicant as per the provisions of the RTI Act?”**

9. The above point standing for consideration of the FAA is dealt as below:

- a) **Whether the CPIO refused the information to the applicant on the pretext of not providing Token Number and Date/Month/Year of retirement of Sh.Mohd.Bin Abdullah?**

The FAA observes that stand of CPIO is justified. Since, the records pertaining to the employee cannot be traced without sufficient information considering the large number of records maintained at this office. Further, it is observed that the appellant had only provided the name of the deceased pensioner for providing the information. However, on perusal of the records it is observed that there are many pensioners with similar name and the respondent CPIO cannot provide information without accurate data pertaining for recognizing the relevant records.

However, in the interests of justice and in furtherance to the provisions of the RTI Act the CPIO is directed to trace the relevant records and provide requisite information subject to the observations in the next point i.e. 9(b).

- b) **Whether the information requested can be provided to the applicant as per the provisions of the RTI Act?”**

Under the provisions of Section 8(1)(j) of the RTI Act, 2005 the information sought by the appellant cannot be disclosed as information as it relates to personal information of the deceased



pensioner and the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual .

However, after, hearing the written submission of the Appellant and perusing the records, it is observed that the appellant is seeking information to his deceased father who was a former employee of this Mint. The Hon'ble Central Information Commission noted as below in the matter of Sanjay Singh vs. BSNL, Baliya vide Decision No. CIC/LS/A/2011/002819 dated 2.2.2012 :

*“...a son cannot be treated as third party when he seeks information about the pensionary benefits of his deceased father. If he were to be so treated, he, (the successor) would be deprived of financial benefits due to him. In this view of the matter, we are of the opinion that there is no harm in providing requisite information to the appellant. This order is being pronounced only with a view to enabling the appellant to ensure that the pensionary and other benefits resulting from the death of his father accrue to the family.”*

Further, the Hon'ble Central Information Commission in Second Appeal No: CIC/PNBNK/A/2016/297945 dated 22.01.2018 has decided a case with similar facts and held as under:

*“The Commission observes that to access information regarding an account of a deceased person, the appellant has to prove that he is the legal heir of the deceased. The Commission, therefore, directs the CPIO, Punjab National Bank, Circle Office, Bulandshahar, to provide information to the appellant within a period of four weeks from the date of receipt of a copy the death certificate of late Shri Manohar Lal Varshney and an affidavit signed by all the legal heirs, authorizing him to receive the desired information from the respondent bank, on their behalf..”*

Accordingly, the appellant may prove that he is the legal heir of the deceased for which he may provide a copy of the death certificate of Shri. Mohd. Bin Abdullah and an affidavit signed by all the legal heirs, authorizing him to receive the desired information from the respondent CPIO on their behalf. The CPIO is directed to provide the information sought on receipt of the above documents from the Appellant with in a period of 07 working days from the date of such receipt.

10. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

11. **With the above observations the Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,  
CIC Bhawan, Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.**

**Place: Hyderabad**

**Date: January 02<sup>nd</sup> , 2020**

**F.No. HD/IGM/RTI/19-APPEAL/**

**(Dr.J.P.Dash)**

**APPELLATE AUTHORITY &  
CHIEF GENERAL MANAGER**

**To,  
Shri.Qayyum Bin Mohammed,**