

Central Information Commission

**Appeal No. 61 /IC(A)/2006
F.No.CIC/MA/A/2006/00110 & 112**

Dated, the 14th June, 2006

Name of the Appellant : Shri Mahendra Gaur, B-90, Saraswati Marg, Bajaj Nagar, Jaipur-302015.

Name of the Public Authority : (1) Ministry of Petroleum & Natural Gas, Shastri Bhavan, New Delhi-110001.

(2) Bharat Petroleum Corporation Ltd., Bharat Bhavan, 4&6 Currimbhoy Road, Ballard Estate, P.B. No. 688, Mumbai.

DECISION

Facts of the Case:

Case: 1

The policy issue relating to revision of prices of petroleum products, mainly petrol, diesel, LPG and kerosene is controversial due to such concerns of state holders as reduction in subsidies, apprehensions about increase in inflation and distortions in prices of essential commodities that affect differently almost every section of the society.

In the instant case, the appellant, sees corruption and vested interest involving officials of oil companies that results in loss of revenue to the Government. The appellant has therefore sought information relating to off take of petroleum products just before three days and after three days of the date of revision in prices for the period 1.4.2002 to 31.3.2005 with a view to estimating the loss of revenues to the Government. He has contended that just before three days of the date of revision in prices of petroleum products, off take rises substantially. And, it steeply declines thereafter for two-three days. Then, it stabilizes. These fluctuations are attributable to the change in the government policy. Till 2000, prices were revised twice in a month, on 15th and 30th

every month. Since, 2001, the decisions on revision of prices are arbitrarily taken to suit the convenience of the Government.

The case was heard on 12.6.2006. The appellant was present in person. The respondents were represented by their CPIOs, namely S/Shri Vinod Giri, CPIO, BPCL, Mumbai; Rajesh Chaturvedi, BPCL, Jaipur and V.K. Dewangan, Deputy Secretary, Ministry of Petroleum & Natural Gas (MoP&NG).

The appellant mentioned that he had asked for the following information from the Ministry of Petroleum & Natural Gas:

1. *The dates of price increase / decrease for petrol, diesel, kerosene, LPG since 1st April, 2002.*
2. *The off take of the products three days prior to the date of price increase, on the day of price increase, and three days after the date of price increase since 1.4.2002 for every price increase.*
3. *The names of dealers who have been given products in three days prior to price increase equivalent to their 30 days off take.*
4. *The overtime paid by each oil company three days prior to price increase since 1.4.2002 for every price increase.*
5. *Number of malpractices observed by the oil companies about indiscriminate release of product and action taken thereof.*

The CPIO of Ministry of Petroleum & Natural Gas has provided information as under sl.no. 1, above. He also informed the appellant that the information with respect to other points are available with the oil marketing companies and accordingly BPCL was directed to furnish the information.

The BPCL responded and furnished the information on the dates of revision of prices for the last three years as asked for by the appellant. It was mentioned during the hearing that there were atleast 21 (upward) and 9 (downward) revisions in prices. Thus, huge information was provided. For the remaining information, appellant was denied information u/s 8(1)(d).

The information sought under each serial number, as above, was separately examined. After hearing both the parties, the following was agreed:

- a) On the basis of the clarifications provided by the respondents, about the confidentiality of information sought, the appellant agreed to ignore all the above listed information requirement, except the one relating to the total off take of petroleum products,
- b) The CPIO of the MoP&NG agreed to provide data for a few PSU oil companies, relating to off take of petroleum products, before and after three days of revision in prices for the last three years from April 1, 2002 to March 31, 2005. The relevant information would be furnished within one month of the issuance of this decision.
- c) In view of confidential nature of information, only aggregative picture would be shown, while the names of oil companies and the quantity of off take against each of them should not be revealed, lest the information should be misused by the competitors. It was also agreed that no further question on this issue would be entertained from any requester.

Case:2

In another appeal filed by the appellant against the order of the CPIO and appellate authority of the BPCL, he has alleged that information relating to LPG marketing has not been furnished to him. He has alleged that appropriate steps were not taken by the oil marketing companies against their distributors to contain black marketing of petroleum products.

The CPIO mentioned that the available information about LPG marketing has already been provided to the appellant. As regards information relating to the reported malpractices or CBI cases against distributors, there was no such reported matter with them. Therefore, the question of denial of information does not arise. It was also pointed out that appellant was unnecessarily seeking huge information and has filed a large number of applications on the pretext of exposing corruption. In the process, the costs of providing information have increased.

The appellant contended that he has sought similar information from other PSU Oil Companies and they have provided comprehensive information (except IOC) whereas BPCL has not provided detailed information. In response to this, the CPIO stated that they have provided the relevant information available with them and the appellant is expected to make best use of huge information already supplied to him. The appellant was accordingly instructed.

The appellant also raised issues that fall under the domain of other public authorities. He was accordingly directed to take up the matter with the concerned bodies.

The appeal is accordingly disposed of.

(M.M. Ansari)
Information Commissioner

Authenticated true copy :

(L.C. Singhi)
Additional Registrar

Cc:

1. Shri Mahendra Gaur, B-90, Saraswati Marg, Bajaj Nagar, Jaipur-302015.
2. Shri Prabh Das, JS & CPIO, Ministry of Petroleum & Natural Gas, Shastri Bhavan, New Delhi-110001.
3. Shri Vinod Giri, CPIO, Bharat Petroleum Corporation Ltd., Bharat Bhavan, 4&6 Currimbhoy Road, Ballard Estate, P.B. No. 688, Mumbai.