

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
Old JNU Campus, New Delhi - 110067.
Tel: +91-11-26161796

Decision No.CIC/SG/A/2009/003211/7144
Appeal No. CIC/SG/A/2009/003211

Appellant : Mr. Yogender Singh,
RZ-4B, Mohan Nagar,
Palam Road,
New Delhi – 110046

Respondent : Mr. K.D.Dogra
Public Information Officer &
Dy. Commissioner,
Office of the Dy Commissioner Zone VI,
Department of Trade & Taxes,
Vyapar Bhavan,I. P. Estate,
New Delhi - 110002.

RTI application filed on : 01/09/2009
PIO replied : 30/09/2009
First Appeal filed on : 27/10/2009
First Appellate Authority order : 19/12/2009
Second Appeal filed on : 22/12/2009
Notice of Hearing Sent on : 12/01/2010 & 12/02/2010
Hearing Held on : 12/02/2010 & 15/03/2010

Information sought:

Provide appellant the copy of order of appellate authority Joint commissioner-V by which the registration Of M/S New Arora Electronics is restored

PIO's reply:

Information not provided as it barred u/s 8 (1)(d) of RTI Act,2005.

Grounds for First Appeal:

The information not covered under section 8(1)(d) of RTI Act.

Order of the First Appellate Authority:

The information denied on valid ground.

Grounds for Second Appeal:

PIO not provide the complete information.

Relevant Facts emerging during Hearing on 12 February 2010:

“The following were present:

Appellant: Mr. Yogender Singh;

Respondent: Mr. K.D.Dogra, Public Information Officer & Dy. Commissioner;

The Respondent stated that after the order of the FAA the third party was called to give his views on disclosing the information as per the provision of Section 11. The third party has refused disclosing the information on the ground that the information is exempt under Section 8(1)(d). It is necessary for the Commission to give an opportunity to the third party to be heard by the Commission as per Section 19(4). The PIO is directed to inform the third

party that the next hearing of this matter will be held on **15 March 2010 at 10.00AM**. The Respondent is directed the third party to be present for the hearing on that day.”

Relevant Facts emerging during Hearing on 15 March 2010:

The following were present:

Appellant: Mr. Yogender Singh;

Respondent: Absent;

Third Party: Mr. Yogesh Arora;

The Third Part Mr. Yogesh Arora states that he has objections to releasing the information sought by the Appellant. He states, “The appellant is my business rival and we have a case pending in court which has not yet been decided. Release of this information is likely to impact my court case and also my business activities. I have already given this statement to the Department to refuse the information sought by the Appellant. Therefore the information should not be disclosed to the Appellant.”

The Commission asked the Third Party if the information which has been sought by the Appellant included details of his commercial transaction or names of his suppliers or customers. The Third Party said that this is not the information sought but as a business person he had the right to keep the information which he gave to the Government as confidential. He also stated that revealing information provided by him is likely to reveal loop holes in his business practices. The Appellant states that on his complaint the third party’s sale tax number has been cancelled and subsequently it was restored again consequent to an appeal being filed by the third party. The Appellant wants a copy of the order of the Appellate Authority based on which he can verify the grounds on which the sale tax number has been restored.

The Third Party Mr. Yogesh Arora has not been able to show that any commercial interest of his is likely to be compromise by revealing the information. Hence his implied claim of exemption under Section 8(1)(d) is not sustainable. No other exemption appears to apply to the information which the third party Mr. Yogesh Arora wants to deny to the Appellant. Infact citizens certainly have a right to know the bases on which a public authority gives or reallots registration. Unless one of the exemption clauses of Section 8(1) apply exemption cannot be denied under Right to Information.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information to the Appellant before 05 April 2010.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
15 March 2010

(In any correspondence on this decision, mention the complete decision number.)

(SR)

CC;

To the third party:

Mr. Yogesh Arora

Prop.

M/s New Arora Electronics

RZ-1, Mohan Nagar, Palam Road,

Sargarpur, New Delhi - 110046