

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

**Decision No.CIC/SG/A/2009/003210/7145**  
**Appeal No. CIC/SG/A/2009/003210**

**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** : 08/09/2009  
**PIO replied** : 09/10/2009  
**First Appeal filed on** : 27/10/2009  
**First Appellate Authority order** : 20/11/2009  
**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 alleged statement of Yogesh Arora prop. Of M/S New Arora Electronics recorded on 24/10/2008.

**PIO's reply:**

The statement contains the business information pertaining to his establishment & the copy of the same cannot be provided as per section 98(1) of the DVAT Act,2005 & also barred u/s 8 (1)(d) of RTI Act,2005.

**Grounds for First Appeal:**

PIO reply is vague & information not covered under section 8(1)(d) of RTI Act.&  
The reply based on the report given by custodian of record by VATO ward -6.

**Order of the First Appellate Authority:**

Fresh reply given to the appellant after ascertaining the view of third party.

**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 he is only seeking statements given by the Third Party when shifting the place of Business.

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. 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,

Sagarpur, New Delhi - 110046

Tel: 28520031