

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Appeal No. CIC/BS/A/2016/000637

Appellant: Mohd. Amin S/o Walimohad Parray,
R/o Chreel, Teh- Banihal, Distt. Ramban , J&K.

Respondent: Central Public Information Officer
Telecommunications Consultants India Ltd.
TCIL Bhawan, Greater Kailash-1,
New Delhi-110048

Date of Hearing: 07.06.2017

Dated of Decision: 07.06.2017

ORDER

Facts:

1. The appellant filed RTI application dated 21.04.2015 seeking information regarding release of pending payments to M/s Mohd. Amin & Sons for execution of OFC work in Suigudi-Kerala route under the scope of Tender No. J&K(UDM) OFC-15/2K etc.
2. The CPIO responded on 20.05.2015 that the sought for information does not fall under the definition of 'information' as per section 2(f) of the RTI Act. The appellant filed first appeal on 08.06.2015 with First Appellate Authority (FAA). The FAA responded on 18.02.2016 and upheld the decision of CPIO. The appellant filed second appeal before the Commission on 08.02.2016 on the ground that information should be provided to him.

Hearing:

3. The appellant participated in the hearing through VC. The respondent participated in the hearing personally.
4. The appellant stated that the sought for information has not been provided to him. The appellant stated that his two bills for Rs. 5.37 lacs and Rs. 1.78 lacs have been pending since 2004. The appellant stated that the respondent does not even inform him about the status of the bills. The

appellant stated that he is running from pillar to post for getting payment of bills for work done as per agreement. The appellant stated that he had done the contractual work by spending money from his pocket. The appellant stated that he is not concerned whether the respondent receive the payment from the BSNL or not. The appellant stated that he is facing acute shortage of fund for running his day to day life.

5. The respondent stated that the appellant has been replied to vide letter dated 20.05.2015 stating that the release of pending bills payment constitutes grievances redressal and does not fall under the definition 'information' as per section 2(f) of the RTI Act. The respondent further stated that they are rendering consultancy services and as per the agreement with the appellant in the instant matter, the payment arrangement was on back to back basis i.e. they would make payments after receiving the payment from their client BSNL. The respondent stated that they did not receive the payment from the BSNL. The respondent stated that they are in litigation with the BSNL for payment of bills. The respondent stated that the appointed arbitrator had passed an award dated 11.07.2013 in their favour. However, the BSNL has filed an appeal against the said award to the Secretary (Law) in the year 2014, which is still pending. The respondent produced a copy of the award during the hearing.

Discussion/ observation:

6. The Commission observed that the respondent should be informed of the factual position of the processing and payment of his bills. The relevant documents, note sheets etc. may be provided to him.

Decision:

7. The respondent is directed to provide information to the appellant as stated in para 6 above, free of cost, within 15 days of this order.

8. The CMD, Telecommunications Consultants India Ltd.(TCIL), is advised to look into the matter and expedite the release of payment of the appellant.

9. The Secretary (Law), is advised to expedite the disposal of the appellate matter referred to by the respondent. A copy of the arbitration

award appealed against before him. appealed against is enclosed with the order.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy
(S.C. Sharma)
Dy. Registrar

- Copy to: 1. The Secretary (Law), Department of Legal Affairs,
Shastri Bhawan, New Delhi
2. The CMD, Telecommunications Consultants India Ltd.
TCIL Bhawan, Greater Kailash-1, New Delhi-110048