

# Central Information Commission, New Delhi

**File Nos.** CIC/SS/A/2013/002950/SH, CIC/SS/A/2013/003015/SH, CIC/SS/A/2013/003016/SH  
CIC/SS/A/2014/000022/SH, CIC/SS/A/2014/000023/SH, CIC/SS/A/2014/000024/SH  
CIC/SS/A/2014/000025/SH, CIC/SS/A/2014/000026/SH, CIC/SS/A/2014/000027/SH  
CIC/SS/A/2014/000028/SH, CIC/SS/A/2014/000029/SH, CIC/SS/A/2014/000030/SH  
CIC/SS/A/2014/000031/SH, CIC/SS/A/2014/000032/SH, CIC/SS/A/2014/000033/SH  
CIC/SS/A/2014/000034/SH, CIC/SS/A/2014/000035/SH, CIC/SH/A/2014/000115  
CIC/SH/A/2014/000116, CIC/SH/A/2014/000238, CIC/SH/A/2014/000491  
CIC/SH/A/2014/000492, CIC/SH/A/2014/000493, CIC/SH/A/2014/001309  
CIC/SH/A/2014/001336, CIC/SH/A/2014/001337, CIC/SH/A/2014/001338  
CIC/SH/A/2014/001778, CIC/SH/A/2014/001779, CIC/SH/A/2014/001780  
CIC/SH/A/2014/001781, CIC/SH/A/2014/001782, CIC/SH/A/2014/001783  
CIC/SH/A/2014/001784, CIC/SH/A/2014/001785, CIC/SH/A/2014/001786  
CIC/SH/A/2014/001787, CIC/SH/A/2014/001788, CIC/SH/A/2014/001789  
CIC/SH/A/2014/001790, CIC/SH/A/2014/001791, CIC/SH/A/2014/001792  
CIC/SH/A/2014/001793, CIC/SH/A/2014/001815, CIC/SH/A/2014/001824

## Right to Information Act-2005-Under Section (19)

**Date of hearing** : 17th December 2014

**Date of decision** : 19th December 2014

**Name of the Appellant** : Shri Jai Prakash Deep,  
Block 17/ 628, Sarswati Nagar,  
Jawahar Chowk, Bhopal,  
Madhya Pradesh

**Name of the Public Authority/Respondent** : Central Public Information Officer,  
Indian Oil Corporation Ltd.,  
Madhya Pradesh State Office,  
Indian Oil Bhawan, 16, Arera Hills,  
Jail Road, Bhopal - 462001

The Appellant was not present.

On behalf of the Respondents, the following were present at the NIC Studio, Bhopal:-

1. Shri A. K. Jain, DGM and CPIO.
2. Shri S. S. Barve, Chief Manager.

**Information Commissioner : Shri Sharat Sabharwal**

These files contain appeals in respect of forty five RTI applications, filed by the Appellant, seeking information regarding allotment of petrol dealerships in various locations. Not satisfied with the response of the Respondents, he approached the CIC in second appeal in all the forty five cases.

2. Hearing of the above mentioned forty five appeals was scheduled for 17.12.2014 in the office of the Commission in New Delhi and both the parties were informed of it through the Commission's notice dated 28.11.2014. It was stated, inter alia, in the above notice that the Appellant might appear before the Commission either in person or through an authorised representative, and present his case, or may opt not to be present. But in case of non-appearance, the case will be decided ex-parte. Apart from the written notice, the Registry informed both the Appellant as well as the Respondents of the hearing over phone also. The Registry contacted the Appellant over phone on 15.12.2014 to check on his presence in the hearing. The Appellant stated that since he was not well, the hearing

be postponed to a later date. He was asked to send his request in writing, which he did through an e-mail the same day. Sufficient advance notice having been given to the Appellant and a full day having been set aside for hearing on his appeals at the cost of other appeals pending before the Commission, postponement of the hearing, demanded by him at a short notice, was not considered desirable. The Registry, therefore, got in touch with the Appellant over phone to inform him that if he was unable to come to Delhi due to indifferent health, the hearing would be held through video-conferencing and he could be present at the NIC Studio at Bhopal. The Appellant agreed to this suggestion and thereafter the NIC Studio at Bhopal was booked for the purpose. The Appellant was informed of the venue over phone and an SMS was also sent to him. He confirmed to the Registry that he would be present for the hearing at the NIC Studio, Bhopal. However, he chose not to attend the hearing on 17.12.2014.

3. In his written submissions, e-mailed on 15.12.2014, the Appellant also requested the Commission not to consider all the forty five appeals on the same day (17.12.2014). He requested that the hearing of the appeals be taken up in a piecemeal manner at later dates. He stated that the Respondents had deliberately denied the information by stating that it would disproportionately divert their resources. This was particularly so because they gave the same information to him in the case of other locations. According to the Appellant, the information given to him was used by him to point out irregularities committed by the officers of the Respondents and some of the irregularities were acknowledged by the Indian Oil Corporation Limited and that those matters are being investigated. He has alleged that it is for the above reason that the Respondents are denying him information in response to the RTI applications which form the subject matter

of the forty five appeals before us. The Appellant has prayed that direction be given to the Respondents to provide him the complete information sought by him in the above applications, including regarding the finances of the applicants at the locations concerned, because the maximum number of irregularities by the officers of the Indian Oil Corporation Limited have been committed in regard to the documents concerning the finances of applicants. He has further stated that an appeal filed by him was heard by the Commission, without his presence, and an order was passed in Files No. CIC/LS/A/2012/002821 and CIC/LS/A/2012/002827.

4. The Respondents contacted the registry on 16.12.2014 and stated that the morning flight on 17.12.2014, which the CPIO was to take to be present for the hearing in New Delhi, had been cancelled. In view of the above, the Respondents were also allowed to present their case through video-conferencing from the NIC Studio, Bhopal.

5. We had decided to take up all the forty five appeals on the same day because the RTI applications, forming the subject matter of these appeals, seek similar information, essentially concerning the documents submitted by the applicants and the selection process, about allocation of petrol dealerships at various locations. In these applications, the Appellant has sought information regarding 331 locations in 30 districts. In a number of applications, information has been sought on four points: photocopies of the application forms submitted by applicants, copies of the merit list and mark-sheets, copies of all the documents enclosed by the applicants with their applications and documents regarding the action taken by the Respondents on the applications. The response of the Respondents to the applications falls essentially in three categories: information was provided in some cases, the Appellant was asked to inspect the relevant documents in the

concerned locations in some other cases and obtain copies of the documents desired by him and, in the remaining cases, he was informed that he had sought voluminous information, whose collection would disproportionately divert the resources of the public authority from its day to day work. Because of the similar nature of the queries regarding various locations in the forty five RTI applications and the above broad categories of responses of the Respondents, we do not consider it necessary to grant the prayer of the Appellant to postpone the hearing and take up his appeals in a piecemeal manner. Moreover, as stated above, we had kept the entire day for hearing on the appeals, which would have given ample time for submissions by the Appellant. However, he has chosen not to be present for the hearing or depute a representative for the purpose, in spite of the Registry having made arrangements for him to make his submissions from the NIC Studio, Bhopal, instead of appearing in person before us in New Delhi.

6. The Respondents submitted that the Appellant was one of the candidates for a petrol dealership at Bolai (District Shajapur) in Madhya Pradesh in 2012. He was initially selected for the dealership. However, it was subsequently cancelled on account of certain discrepancy in the financial documents. He was aggrieved about the cancellation and filed a case in the MP High Court, which is pending. He filed 144 RTI applications in all to the Respondents, seeking similar information regarding various locations. Out of these, information was provided free of cost in 65 cases. In 7 cases, the information sought being voluminous, the Appellant was asked to deposit the prescribed photocopying charges and information was provided on payment of the same. In 18 cases, he inspected the documents at the locations concerned and copies of the documents desired by him were provided. In 11 cases, he did not deposit the prescribed photocopying

charges demanded of him and information was not provided. In 4 cases, he did not carry out inspection of the relevant documents, though it was offered to him. Because of the very large number of applications filed by him and information sought in some cases for a large number of locations through the same application, he was informed in 39 cases that the information sought was too voluminous and its collection would disproportionately divert the resources of the public authority from its day to day work. The Respondents stated that even in the case of these locations, they are willing to facilitate inspection of the relevant records by the Appellant at the locations concerned, whereafter he can obtain photocopies of the documents desired by him.

7. The Respondents informed us that while providing information to the Appellant, they excluded information of personal nature such as the documents concerning the finances of applicants and details of their movable / immovable property etc.

8. The Respondents also stated that the discrepancy found in the financial documents of the Appellant, which led to the cancellation of his dealership was with regard to some funds shown by him over and above the minimum level of funds required of an applicant for a petrol dealership. In December 2013, the Head Office of IOCL clarified that if the discrepancy is in respect of the funds shown over and above the minimum required, it should not become a ground for rejection of an application. However, this decision was made applicable with prospective effect. Subsequently, it was made applicable with retrospective effect. At this stage, the case of the Appellant was reconsidered and he has been awarded the dealership.

9. We have considered the records and the submissions made by the Respondents before us; as well as the written submissions e-mailed to us by the Appellant on 15.12.2014. We are in agreement with the decision of the Respondents to deny the information of a personal nature, mentioned in paragraph 7 above. The Commission has consistently upheld denial of such information while considering appeals in connection with applications for petrol / gas dealerships. In fact, the Commission's decision in Files No. CIC/LS/A/2012/002821 and CIC/LS/A/2012/002827, referred to by the Appellant in his written submissions, while directing the CPIO to allow inspection of the relevant records by the Appellant and provide copies of the documents desired by him, on payment of the prescribed fee, also directed him to exclude personal information relating to other candidates, viz. bank statements, income tax returns and PAN card number etc. The Appellant appears to have had a grievance regarding cancellation of the dealership, for which he was initially selected, and approached the MP High Court in this regard. However, notwithstanding the above, he overstepped the bounds of reasonableness in filing as many as 144 RTI applications, seeking similar information concerning a large number of dealership locations. As submitted by the Respondents, they provided the information, albeit excluding the information of a personal nature, in response to a number of applications. They also offered inspection of documents in other cases, which was carried out by the Appellant and the documents desired by him were provided. However, we note that given the sheer number of applications and the large number of queries in some of them, responding to the same was clearly an onerous task. In this context, we recall to the Appellant the following observations of the Supreme Court in its judgment dated 9.8.2011 in Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyaya & Ors.:-

*“37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”*

10. The Appellant has prayed for provision of complete information in response to some of the RTI applications, which form the subject matter of his forty five appeals. In some of his second appeals, he has also complained that the CPIO did not respond within the stipulated time-frame. As stated above, the Respondents are willing to facilitate inspection of the relevant records at the locations concerned in the cases in which they did not provide information on the ground that its collection would disproportionately divert

their resources from their day to day work. In view of the volume of information sought, we would refrain from directing them to collect the information in such cases to forward it to the Appellant. It is up to the Appellant to avail himself of the offer of inspection and obtain such documents as are needed by him, with the exception of information of a personal nature. Further, in view of the very large number of applications filed by the Appellant and taking into account the totality of the facts before us, we do not regard it as a fit case for consideration of action against the CPIO in respect of the cases where a response was not sent within the mandated time-frame.

11. With the above observations, the forty five appeals are disposed of.

12. Copies of this order be given free of cost to the parties.

**Sd/-**  
**(Sharat Sabharwal)**  
**Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**  
**Deputy Registrar**