

Central Information Commission

Room No. 305 B-Wing, August Kranti Bhawan,
Bhikaji Kama Place, New Delhi – 110066
Tel No: 26167931

Case No. CIC/SS/A/2011/001396

Name of the Appellant : Shri Arup K. Ghosh
(The Appellant was not Present)

Name of the Public Authority : Mumbai Port Trust.
Represented by Shri Jose Thomas,
CPIO and Shri Bijender Singh, Under
Secretary.

Matter was heard through video
conferencing.

The matter was heard on : 4.1.2012 (Matter was reserved for order)

ORDER

Shri Arup K. Ghosh, the appellant has filed the present appeal before the Commission on the grounds that Respondents have not provided him the information requested for by him in his RTI application dated 24.2.2011. The information requested by the appellant in his aforementioned RTI application is as under:-

“I specifically require the full names and addresses of the short-listed bidders including consortium members who have been granted security clearance by Government /Authority for the subject project (Development of Berth No. 10/11 & 12 Indira Dock).” The CPIO by his letter dated 3.3.2011 denied the information on the grounds that it attracted exemption u/s 8(1) (d) of the RTI Act, 2005. Aggrieved with the reply of the CPIO the appellant filed an appeal before the FAA submitting therein that provisions of section 8(1) (d) of RTI Act, 2005 are not attracted in this case. The FAA in his order dated 1.4.2011 has

held that the information sought, if provided, could harm the competitive position of third parties who had not been short listed. Furthermore, the appellant had not established the larger public interest involved in the disclosure of the information. The FAA therefore rejected the appeal.

Having heard the submissions of the parties, the Commission is of the view that the provisions of section 8(1) (d) are attracted in this case since the information, if provided, could harm the competitive position of the third parties involved. Moreover there is nothing to show that larger public interest warrants the disclosure of such information. Accordingly the decision of the FAA is upheld.

The matter is disposed of on the part of the Commission.

(Sushma Singh)
Information Commissioner
21.2 .2012

Authenticated true copy:

(D.C. Singh)

Deputy Registrar

Copy to:

1. Shri Arup K. Ghosh,
Flat-601, Wing-B,
Guruvatika Building,
Plot-D1, /Secor-12,
Kharghar, Navi Mumbai,
Maharashtra-410210.
2. The C.P.I.O,
Mumbai Port Trust,
Traffic Manager's Office,
Port House, Shoorji Vallabhdas Marg,
Mumbai – 400001.
3. The First Appellate Authority,
Mumbai Port Trust,
General Administrative Department,
Port House, 2nd Floor, Shoorji Vallabhdas Marg,
Ballard Estate,
Mumbai – 400001.