CENTRAL INFORMATION COMMISSION

F.No.CIC/AT/A/2009/000744
Dated, the 23rd December, 2009.

Appellant : Shri A.M. Darole (CPIO)
Respondents : Mumbai Port Trust

Matter came up for hearing through videoconferencing (VC) on 16.12.2009 in the presence of the appellant, i.e. Shri A.M. Darole (CPIO) and the RTI-applicant, Shri Preetinder Singh at NIC VC facility at Mumbai. The Appellate Authority, Shri P.Mohana Chandran, Secretary, Mumbai Port Trust — whose orders dated 09.09.2009 were challenged by the CPIO before the Commission — was called and was absent. Commission conducted the hearing from its New Delhi office.

2. As distinguished from other second-appeals filed before the Commission, which were largely filed by petitioners for information against the order of the Appellate Authority, this appeal has been filed by the public authority’s holders-of-information through the CPIO, Shri A.M. Darole, Deputy Secretary against the order of the Appellate Authority.

3. The general contention of the appellant (i.e. the CPIO) is that if the orders of the Appellate Authority were to be carried out, the holders-of-the-information would be required to manufacture and collate information for the petitioner, which was not enjoined by the provisions of the RTI Act as held by several decisions of the Commission in the past. According to the appellant (CPIO), under the law CPIO of the public authority was required only to provide to the petitioner information as held by the public authority in terms of Section 2(f) of the RTI Act and not to collate it from the reports.

4. It was posed to the RTI-applicant (Shri Preetinder Singh) whether he would like to limit the scope of his request for information to identifiable departments of the public authority in order to enable the CPIO and the deemed-CPIOs to tabulate the information without having to wade through large volumes of documents and records. Accordingly, RTI-applicant listed out Departments of Civil Engineering, Mechanical Engineering, Traffic and Ports.
5. CPIO (on behalf of the holders-of-information) agreed that now that RTI-applicant had limited the range of his queries to the four departments, they would provide him the requested information albeit without prejudice to their position that this information was not disclosable within the meaning of Section 2(f) of the RTI Act.

6. In view of the CPIO’s consent to provide the information as modified by the appellant, it is directed that the information for the four departments mentioned at paragraph 4 above be provided to the appellant within four weeks of the receipt of this order.

7. Appeal allowed.

8. Copy of this direction be sent to the parties.

( A.N. TIWARI )
INFORMATION COMMISSIONER