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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6412/2014

R S MALIK

..... Petitioner

Through: Ms Latika Chaudhary, Advocate.

versus

PUBLIC INFORMATION OFFICER

..... Respondent

Through: Mr Dhanesh Relan and Ms Akshita
Manocha, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.11.2017

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 25.06.2014 passed by the Central Information Commission (hereafter 'the CIC') rejecting the petitioner's second appeal under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act'). The said appeal was preferred by the petitioner against the order dated 09.04.2012 passed by the First Appellate Authority (hereafter 'the FAA'), which in turn was passed in an appeal preferred by the petitioner against the response of the Public Information Officer (hereafter 'PIO') of DDA denying the information sought by the petitioner.
2. The short controversy involved in the present petition relates to disclosure of documents such as gate pass, purchase vouchers, test reports issued by the manufacturers for pipes that were installed pursuant to the contract awarded to certain contractors for laying of pipe lines in Sector 29

and 30, Phase IV and V of Rohini, Delhi.

3. The petitioner had filed an application on 06.02.2012 with the Public Information Officer of DDA requesting for the following information:-

“Subject matter of Information:

The information required by the applicant is regarding development of 258.17 Hectare of land falling in Sector 29 & 30 Part, Phase-Vi & V of Rohini Sub-Head for providing and laying Peripheral Water Supply Line in Rohini Sector-29 & 30, Delhi falling under Rohini Project Division No.2.

As per the information with the applicant the tender were awarded to M/s K.R. Anand and M/s Choudhary Builders and vide agreement No.-17/EE/RPD-2/2005-06/A and agreement No.7/EE/RPD-2/2008-09/A.

Information/documents required:

1 Provide the copies of Excise Gate Pass, Purchase Vouchers, Test Reports issued by the manufacturer for all Dia Pipes in accordance with Clause No. 8 and Clause No. 2 of the agreement for all consignments related to the above agreements.

2 Provide the copy of letter No.F.11(4)/08-09/AE-IV/RPD-2/83 dated 15-11-2010.”

4. The petitioner apprehends that the pipes used for laying water supply lines in the land measuring approximately 258.17 hectares falling within Sector 29 & 30, Phase IV and V of Rohini, Delhi are not upto the standard and not of the requisite diameter. The petitioner apprehends that this is also contrary to the specifications laid down under the contract(s) awarded to the contractor(s).

5. The CPIO denied the aforesaid request by a letter dated 20.03.2012 on

the ground that the information pertained to third parties. Aggrieved by the same the petitioner preferred an appeal before the FAA which was also rejected by stating that the requisite documents could not be provided “*without the consent of the agencies who have refused for the same in writing.*” The CIC has also upheld the aforesaid decision by the impugned order.

6. It is seen from the above that the question whether any larger public interest is involved has not been considered either by the PIO or the appellate authorities. Merely because the information pertains to a third parties and such third parties have opposed the disclosure of this information does not necessarily mean that the same need not be disclosed to the information seeker.

7. In terms of Section 11 of the Act, the CPIO is required to invite third parties to make submissions with regard to the disclosure of information pertaining to them. The CPIO is, thereafter, required to consider the submissions of the concerned third parties and take an informed decision having regard to the question whether there are compelling grounds, in larger public interest, for disclosure of the information.

8. The information that is exempt from disclosure is specified under Section 8(1) of the Act. It is seen that even in the case of personal information the disclosure which is exempt under Section 8(1)(j) of the Act, there is an exception which permits such disclosure in a case where the Public Information Officer or the Appellate Authority is “*satisfied that the larger public interest justifies the disclosure of such information.*”

9. In view of the aforesaid, the impugned order is set aside and the matter is remanded to the CIC to consider afresh having regard to the

observations made herein and pass an order within a period of three months from today. The petitioner is also at liberty to produce such material as the petitioner considers necessary to establish that the information sought by the petitioner is in the larger public interest.

10. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

NOVEMBER 15, 2017
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