



W.A.No.46 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.46 of 2023

1.The Managing Director and Appellate Authority,
Tasmac, Chennai-600 008.

2.The Public Information Officer-cum-
Chief General Manager,
4th Floor, CMDA Tower-II,
Egmore, Chennai-600 008.

Appellants

..

Vs

1.M.Loganathan

2.Tamil Nadu Public Information Commission,
No.2, Sir Thiyagaraya Road,
Eldams Road, Teynampet,
Chennai-600 018.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 2.12.2022 passed in W.P.No.32329 of 2017.



W.A.No.46 of 2023

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For the Appellants : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.K.Sathish Kumar
Standing Counsel

For the Respondents : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the impugned interim order dated 2.12.2022 passed by the learned Single Judge in W.P.No.32329 of 2017, whereby the appellants were directed to provide the information sought for in Column 2 in a sealed cover before the court to take a decision as to whether furnishing of such information is within the exception of commercial interests or not.

2. Mr.R.Shunmugasundaram, learned Advocate General appearing for the appellants, submitted that TASMAC is purchasing



W.A.No.46 of 2023

liquor from various manufacturing companies within the State at different rates, which is an information involving commercial confidence and trade secret, and revealing of such information without the consent of the respective manufacturers will create unnecessary litigation between the TASMAC and the manufacturers. It is further submitted that the information directed to be provided is protected under Section 8(1)(d) of the Right to Information Act, 2005.

3. Learned Advocate General further submitted that the appellants are not against furnishing of the required information in a sealed cover to the court, but their only apprehension is that if the contents of the information so provided in the sealed cover are reduced to writing, such protected information will become a public document and would have the propensity of harming the competitive commercial interests of TASMAC as well as third parties.

4. A perusal of the impugned interim order makes it clear that in order to find out as to whether there is any commercial



W.A.No.46 of 2023

confidence involved in the information or not, the learned Single Judge had directed the appellants to provide the information sought for in Column 2 in a sealed cover. Merely based on the direction to produce the information in a sealed cover, the appellants cannot presume that the learned Single Judge would record the contents thereof in the order. If any order is passed by the learned Single Judge prejudicial to the rights of the parties, they can work out their remedy in the manner provided under law.

For the foregoing reasons, the writ appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.No.468 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
06.01.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To

Tamil Nadu Public Information Commission,
No.2, Sir Thiyagaraya Road,
Eldams Road, Teynampet,



W.A.No.46 of 2023

Chennai-600 018.
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W.A.No.46 of 2023

T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

W.A.No.46 of 2023

06.01.2023