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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6055/2020, CM APPL. 25634/2020 & CM APPL. 5914/2021**
RAJIV BAWAPetitioner

Through: Ms. Sonam Priya and Mr. Ayush
Kumar Singh, Ms. Aditi Singh
Advocates.

versus

CENTRAL PUBLIC INFORMATION COMMISSION AND ORS.
.....Respondents
Through: Mr. Anish Chawla, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
16.07.2024

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1. The Petitioner, Mr. Rajiv Bawa, is a former employee of M/s Kuvam Konstruktion Pvt. Limited.¹ He filed an application under the Right to Information Act, 2005² before Central Public Information Officer (CPIO), National Building and Construction Corporation (NBCC), seeking extracts and entries of the cement register of KKPL from January, 2016 to December, 2017. However, Petitioner was only provided extracts of the cement register from 24th October, 2016 to 30th January, 2017, with no clarity as to why the entire information was not furnished.

2. The matter eventually travelled up to the Central Information Commission (CIC), and was decided on 13th July, 2020 to the following

¹ "KKPL"

² "the Act"



effect:

“DECISION:

Keeping in view the facts of the case and the submissions made by both the parties and in the light of the decisions cited above, it was noted that the Public Authority had already furnished information sought in the RTI applications. No further intervention of the Commission is required in the matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.”

3. Aggrieved by the findings rendered in the said order, the Petitioner has impugned the same through the instant petition. Petitioner places reliance on Clause 55 of the General Contract Conditions (GCC), copy whereof has been handed over across the board for the Court’s perusal. As per Clause 55.1, it is mandatory for the contractor to maintain a register to record the consumption of cement and steel, while Clause 55.2 requires that the register of cement and steel be kept in the safe custody of NBCC’s Engineer during progress of the work. In view of the above, it is argued that the Respondents ought to have provided the information sought by the Petitioner, and denial of the same, without any reasons, requires this Court’s intervention.

4. Respondent No. 1/ NBCC has filed a counter affidavit wherein they have averred as under:

“6. That the Petitioner is aggrieved in the present matter as he claims to have not been provided full information. In this regard, it is submitted that the Petitioner had filed the above RTI Applications for seeking information about cement register and invoices pertaining to the Contractor. The record was sought from the concerned project office by CPIO. However, it was informed that the records were maintained at site by the Contractor at its office. The Contractor terminated the work vide letter dated 29.09.2017. At the time of termination, it did not hand over the above records to the Answering Respondent, hence, the same was not available and could not be provided to the Petitioner. Some of the records available, as obtained from the project site pertaining to the period



24.10.2016- 30.10.2017 have already been supplied to the applicant vide letter No. NBCC/RTI/3260 & 3263/2018/803 dated 31.05.2018. A copy of the letter dated 29.09.2017 is annexed herewith and marked as Annexure R-3."

5. From the above excerpt, it appears that the records sought by the Petitioner is not available with the Respondent. It is for this reason that entire information as requested by the Petitioner could not be provided, and Respondent No.1 has only been able to partly comply with the request of the Petitioner by supplying them with the cement register from 24th October, 2016 to 30th January, 2017.

6. In light of the above, since the information requested by the Petitioner is not available to the Respondent No. 1, the Court does not find any error in the impugned decision dated 13th July, 2020, of the CIC, and is not inclined to interfere with the same. It is however made clear that the Court has not commented on the consequences of not maintaining the information in relation to the cement register in terms of Clause 55 of the GCC. Thus, this issue is left open and the Petitioner shall be at liberty to rely on the said provision to avail appropriate remedies in accordance with law for the failure on the part of the Respondents to properly maintain the cement register.

7. With the above directions, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

JULY 16, 2024/ab