

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

File No : CIC/NHAIN/A/2021/149633

Srikanta Ku Pakal

.....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

National Highways Authority of India,
PIU, RTI Cell, Plot No.-1768,
Near Kalinga Eye Hospital,
Dakkhinkali Road,
Dhenkanal -759001, Odisha.

....प्रतिवादीगण /Respondent

Date of Hearing : 20/07/2022

Date of Decision : 20/07/2022

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on : 30/09/2020
CPIO replied on : Not on record
First appeal filed on : 07/01/2021
First Appellate Authority order : Not on record
2nd Appeal/Complaint dated : 10/11/2021

Information sought:

The Appellant filed an RTI application dated 30.09.2020 seeking the following information;

1. "Provide the copy of the Pre -Feasibility Study Report, Preliminary Project Report (PPR) and Detailed Project Report (DPR) of construction of Road from Cuttack to Angul, Odisha.
2. Copy of the BID Documents (Tender), issued of BID documents to prospective bidders, scrutiny of Bid and their evaluation, letter of

- acceptance to successful Bidder, Work Order, copy of BOQ (Bill of Quantities), EMD/BG.
3. Copy of Environmental Clearance, Forest clearance and NOC from Pollution Control Board.
 4. Copy of Details of amount of Royalty given to Govt and copy of report submitted to NHAI and details of lease letter of borrow area, Quarry from where Morum has been excavated, copy of environmental management plan submitted by Contractor.
 5. Details of acquisition of Land and amount of payment given as compensation.
 6. Copy of the technical specification, DLC, PQC specification.
 7. Copy of the file noting of the Pro Bid meeting and Technical Bid Meeting & financial Bid meeting.
 8. Details about member's name and designation of the technical committee & name of the engineers assisting Project Director.
 9. Copy of the Test measurement.
 10. Copy of the monthly/ quarterly/ half yearly progress report sent by PD/Bidder to NHAI & State Govt Consultant to the PD and present status report.
 11. Provide amount of Running bill payment to the Bidder date wise and copy of details of GST filed.
 12. Details of Construction Supervision Consultant Financial legal Consultant xxxxxx PLER Consultant and payment given to then copy of the mid performance certificate given by PD if any.
 13. Details of members of dispute resolution expert/dispute resolution board and copy of the meeting held upto date.
 14. Copy of the monthly encumbrances.
 15. Copy of the amount given as Compensation to the no. of Household, Shopkeeper and spiritual places.
 16. Copy of the permission letter from various forest department for cutting of trees due to construction of roads and amount of money compensate to various forest department.
 17. Copy of the amount of CST files to the Govt.
 18. Copy of the Assessment of the subcontracting proposal provided by Engineer to the Employer
 19. Copy of the delay/extension of the time intimation sent to PD/NHAI.
 20. Copy of Complaint submitted by any organization/ individual to the PD against irregularity/delay and low quality of work by Contractor & copy of action taken on contractor of the above reason if any."

The CPIO & General Manager (Tech.) transferred the RTI application on 16.10.2021 to the CPIO/ NHAI, Project Implementation Unit, Dhenkanal under section 6(3) of the RTI Act, 2005 for providing information directly to the complainant.

Being dissatisfied, the appellant filed a First Appeal dated 07.01.2021. FAA's order, if any, is not available on record.

Feeling aggrieved and dissatisfied with the non-receipt of information and alleged wrong transfer of RTI Application, the appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Not present.

Respondent: A. S. Rao, GM (Tech.) & CPIO present through video-conference.

The CPIO invited attention of the bench towards his written submission dated 18.07.2022, relevant portion of which is reproduced below in verbatim –

Ref: xxxxxx

(iii) This office letter No.11012/01/RTI/ PIU-DKL/2020/2109 dt.04.11.2020

(iv) **Notice of Hearing No. CIC/NHAIN/C/2021/101922 dt.03.03.2022 of Central Information Commission, New Delhi.**

(v) Notice of Hearing No. CIC/NHAIN/C/2021/149633 dt.13.07.2022 of Central Information Commission, New Delhi.

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...In this connection, the notice was earlier issued from CIC, New Delhi to the CPIO, Regional Office, NHAI, Bhubaneswar vide Notice under reference at SI No.(iv) on the Appeal of RTI Applicant, Srikanta Pakala for the same RTI Application dated 28.09.2020. The undersigned as CPIO was authorized to appear before the CIC by the Regional Office, NHAI, Bhubaneswar vide letter under reference at SI No.(vi) since the matter is relates to NHAI, PIU, Dhenkanal.

Accordingly, the undersigned had appeared before the CIC through Video Conferencing on dated 21.03.2022 on the appeal of RTI Application dated 28.09.2020 of Mr. Srikanta Pakala to the CIC.

In this connection, the written submission of CPIO, NHAI, RU, Dhenkanal are submitted as under:-

- (i) *The RTI Application dated 28.09.2020 of Mr. Srikanta Pakala was transferred to NHAI, PIU, Dhenkanal from the CPIO, RO-Odisha vide letter under reference at SI No.(ii).*
- (ii) *It is stated that the RTI Applicant had sought 20 Nos of information which are exhaustive & voluminous. On this account. this office vide letter under reference at SI No.(iii) had informed that the information sought is exhaustive and voluminous and it would disproportionately divert the resources of public authority as per provision in Cl. 7 (9) of the RTI Act and requested to visit this office for inspection of the relevant document.*
- (iii) *Without responding to the above, the applicant had approached to the CIC on his RTI Application dated 28.09.2020. Further, this office vide letter under reference at SI No.(vii) had requested the RTI Applicant to deposit the requisite additional fee for getting the available information as per the direction issued by CPIO, RO-Odisha vide letter under reference at SI No. (vi)....*
- (iv) *Again, Mr. Srikant Pakal has approached the CIC on the same RTI Application dated 28.09.2020.*

Decision:

The Commission upon a perusal of records and after hearing submission of the CPIO observes at the outset that a Complaint of the Appellant on the similar RTI Application has already heard and decided by this bench vide case no. **CIC/NHAIN/C/2021/101922 on 21.03.2022** with the following observation –

“The Complainant while narrating the factual context of RTI Application expressed his dissatisfaction with the fact that no reply and information has been received by him till date either by the CPIO or by the FAA even after filing of First Appeal on 07.01.2021. He further harped on the action/inaction of the Respondent Authority in delaying the construction of roads from Cuttack to Anugul.

The CPIO invited attention of the bench towards his written submission dated 14.03.2022 wherein it is mentioned that the instant RTI Application was received on transfer on 16.10.2020 and was replied on 4.11.2020 intimating the RTI fees towards providing copies of the various reports as also offering an opportunity of inspection of records, however the Complainant did not avail of the same. Later, upon receipt of the hearing notice, a revised reply dated 11.3.2022 has also been furnished to the Complainant reiterating the earlier reply and informing him to deposit the requisite RTI fees for getting the information. The CPIO further apprised the Commission that

neither any response in this regard has been received from the Complainant nor his First Appeal was ever received by them.

To a query from the Commission, the Complainant denied having received the averred replies. In response to it, the CPIO submitted that all the correspondences in response to instant RTI Application have been sent to the Complainant through speed post with due acknowledgement receipts as also the fact remains that the same was also shared with him through email at his given email id."

Decision

The Commission upon a perusal of facts on record and after hearing submissions of both the parties is of the considered view that the timely reply provided by the CPIO adequately suffices the requirement for information sought by the Complainant as per the provisions of RTI Act.

In view of the above, no further action is warranted in the matter and reply of the CPIO is upheld."

Considering the rationale of applicability of aforesaid decision, the Commission finds no scope of further action in the matter.

The appeal is disposed of accordingly.

Saroj Punhani (सरोजपुनहानि)
Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(C.A. Joseph)

Dy. Registrar

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सी. ए. जोसेफ, उप-पंजीयक

दिनांक /