भारत सरकार
खान मंत्रालय

विषय - सूचना का अधिकार अधिनियम, 2005 के तहत श्री. दीपक पांडे,
जबलपुर से प्राप्त अपील के संबंध में।

श्री. दीपक पांडे, जबलपुर से प्राप्त मूल अपील दिनांक 30.10.2014 को इस पत्र
के साथ उदित कार्यवाही हेतु भेजा जा रहा है।

आपसे अनुरोध है कि उक्त अपील/पत्र का निर्देशन दिनांक 09.12.2014 से
पूर्व किया जाए और प्रतिलिपी सूचनार्थ फॉर्म-आई. सैल को भी भेजी जाए।

(कमलेश गांधा/Kamlesh Gauba)

सलामः FTS No. 36500
ए.सी.पी.आई.ओ./ACPIO

श्रीमती. आभा मिश्रा, अध. सचिव/अपीलीय अधिकारी (RC), खान मंत्रालय, नई दिल्ली
फॉर्म-आई. सैल यू.ओ. क. 36500/2014 दिनांक 11.11.2014.
<table>
<thead>
<tr>
<th>S. No.</th>
<th>Contents</th>
<th>Annexure</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>First Appeal Under RTI Act 2005</td>
<td></td>
<td>2-4</td>
</tr>
<tr>
<td>2.</td>
<td>RTI Application submitted to CPIO</td>
<td>annexure-A-1</td>
<td>5-6</td>
</tr>
<tr>
<td>3.</td>
<td>Copy of Counter slip of postal order</td>
<td>annexure-A-2</td>
<td>7</td>
</tr>
<tr>
<td>4.</td>
<td>Copy of decision given by CPIO</td>
<td>annexure-A-3</td>
<td>8-9</td>
</tr>
</tbody>
</table>
The Right to Information Act, 2005, First Appeal to Central Government

I.D. No_______ Date: _______ [For office use]

To,

The First Appellate Authority under RTI Act

Dept/Office: Central Government
Ministry Of Mines
Shastri Bhawan, New Delhi.

Sir,

As I am aggrieved by no decision of Central Public Information Officer, I hereby file this appeal for your kind decision.

1. Details of appellant

1.1 Full Name: Deepak pandey S/o Late shri G. P.Pandey.
1.2. Full Address: 166,RavindranagarAdhartal Jabalpur(M.P.)
1.3 Phone/Cell No.: 09329482275
1.4 Email ID: nil

2. Details of Central Public Information Officer (CPIO):

2.1 Name/Designation: Mr. K. B. Singh, Section Officer, RCII
2.2 Full Address: Section RCII, Ministry of Mines,
Shastri Bhawan, New Delhi.

2.3 Name of Public Authority: The Appellate Authority
Smt. Abha Mishra, Under Secretary
Room no.522-A, Ministry of mines
Shastri Bhawan New Delhi.

3. Details of RTI application to CPIO:

Date of Application: 27/08/2014

Sent By speed post - P I O Section RC-II, Ministry of mines, New Delhi.
RTI application and counter slip of speed post is annexed with appeal as annexure-A-1

4. Particulars of payment of filing fee:

Paid Rs.10/- by deposited Indian Postal Order No. 22F 862106
Counter slip of postal order is annexed with appeal as annexure-A-2

Deepak
5. Details of information sought: Copy of RTI Application is Enclosed.

6. Particulars of Decision of CPIO: 
   
   Letter reference No: - 01(02)/2013-RCII dated 21/10/2014
   
   Date of CPIO's Decision: - 21/10/2014
   
   Date of receipt of decision by the appellant: - 29/10/2014
   
   (Decision given by CPIO is annexed with appeal as annexure-A-3)

7. Brief facts of the case:


   (2) By letter no. 01(02)/2013-RCII dated 21/10/2014 the CPIO has given misleading decision that the disclosure of this information is exempted under section 8(d) of RTI act 2005.

   (3) Whereas as per the section 8(d) of RTI act 2005 “Exemption from disclosure of information (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.

   (4) The certified copy of final order no.270/2010 dated 27/8/2010 passed in Revision application no. 16/(05)/2009/RC-II, 16/(03)/2009/RC-II, 16/(01)/2009/RC-II, 16/(02)/2009/RC-II and 16/(10)/2009/RC-II. Is nowhere information including commercial confidence, or trade secrets or intellectual property, or the disclosure of which would harm the competitive position of a third party.

   (5) The sought information the certified copy of final order passed in a revision application has not covered under criteria of Sec. 8(d) whereas it is a matter of greater public interest and transparency.

8. Reasons/grounds for this appeal: 

   Greater Public Interest and transparency

9 Any other information in support of appeal:

1. Penal action under sec. 20 (1) & (2) be initiated against the PIP.
2. Section 8(j) also specify that “Provided that the information, which cannot be denied to the Parliament or a State legislature shall not be denied to any person”
3. Section 7 (9) also specify that “An information shall ordinarily be provided in the form in which it’s sought”...
4. In case PIO fails to furnish the information then he should be directed to file an affidavit on NJ Stamps giving the reasons thereof.

10. Prayer/relief sought for: Information as applied

11. Grounds for Prayer/relief sought for: 

   (1) Provide the information to the applicant free of charge as per sub sec.6 of section 7.

   (2) To compensate the complainant for loss and other detriment suffered.
To, disposed of appeal in favor of appellant as per grounds above mentioned within 30 days of receipt appeal as per sub-section (6) of section 19.

11. Personal Presence at hearing: NO

12. Enclosures:
1. Photocopies of original RTI application with counter slip of speed post as annexure - A-2
2. Counter slip of postal order is annexed with appeal as annexure - A-2
3. Decision given by PIO is annexed with appeal as annexure - A-3

13. Declaration:
I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Place: JABAIPUR
Date: 30/10/2014

Signature of appellant

P.S. Please refer office memorandum dated 09-07-2007 issued by DoPT, Govt. of India.
To,

The Public Information Officer

Ministry Of Mines

New Delhi.


Concerned Section- RC-II Section

Particulars of the Applicant

1. Name : Deepak Pandey
2. Gender : Male
3. Father Name : Late Shri G.P. Pandey
4. Address for Correspondence: 166, Ravindra Nagar, Adhartal, Jabalpur, M.P.
   (with Pin Code)
5. Telephone/Mobile No : 09893053352
6. Email ID : 

7. I, the Applicant, wish to seek the information related to the Certified Copy of Revision Application and Certified Copy of Final Order passed by revisional authority in the matter mentioned below

(I) Certified copy of Final Order Passed in Revision No. 16/(05)/2009/RC-II Final order dated 27.08.2010 final order no. 270/2010.


(IV) Certified copy of Final Order Passed in Revision No. 16/(02)/2009/RC-II Final order dated 27.08.2010 Final Order No. 270/2010.

Deepak

(VI) Certified copy of Revision Application No.16/(23)/2013/RC-II.

8. Fee under RTI Act 2005 of 10/- Postal Order No. 261066 dated 19/9/2014 is enclose with the application.

Applicant

Deepak Pandey

166, Ravindra Nagar, Adhartal, Jabalpur (M.P.)
रुपए 10.00 Rs.
POSTAL ORDER

कोटेजी गोली
के-रीज आपिक रुपयेवरी केरीसिकक

27/9/2014

22F 862106


विषम्वित लागल्या पाणी येथे महाराजी मान्य मार्गी

लोकें साइट का: 22F 862106 पता का 19/9/2014 मार्ग 10-12

अन्य को तित्तमो मार्गी सार्वजनिक पाणी सेवा किरती हेतु नगर

केंद्र हे स्वतः पाणी मार्गी कमांड हेतु/ जम्मा वित्तानुपाल

अन्य करणे पाणी

19/9/2014

अविकर

166 अविकर: 17

सार्वजनिक सेवा

(स्टैंड)}
Government of India  
Ministry of Mines  

No. 01(02)/2013-RC-II  

To  
Shri Deepak Pandey  
166, Ravindra Nagar  
Aadhartal, Jabalpur (M.P.)  

Sub: RTI Act, 2005-reg.  

Sir,  

Please refer to your RTI Application on the above subject and to say that the disclosure of this information is exempted under section 8(d) of the RTI Act, 2005.  

2. In case you are not satisfied with above reply you may prefer the first appeal under Section 19 of the RTI Act, 2005 before the Appellate Authority Smt. Abha Mishra, Under Secretary Room No. 522-A, Ministry of Mines, CGO Complex, New Delhi within 30 days of receipt of this communication.  

Yours faithfully,  

(K.B. Singh)  
Section Officer/ CPIO  


101-D, Sashtri Bhavan  
New Delhi, the 21.10.2014
Order on Appeal under section 19 of RTI Act, 2005.

<table>
<thead>
<tr>
<th>First Appeal Case No.</th>
<th>1(19)/2013/RC.II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appellant</td>
<td>Deepak Pandey</td>
</tr>
<tr>
<td>CPIO</td>
<td>K.B. Singh</td>
</tr>
<tr>
<td>Ground of Appeal</td>
<td>Information not given by CPIO</td>
</tr>
<tr>
<td>Date of receipt of Appeal</td>
<td>12.11.2014.</td>
</tr>
<tr>
<td>Date of order</td>
<td>21.10.2014.</td>
</tr>
</tbody>
</table>

Sh. Deepak Pandey c/o 166, Ravindranagar Adhartal Jabalpur(M.P), hereinafter referred to as the Appellant, has filed the above mentioned appeal, aggrieved by the reply furnished by the CPIO vide letter dated 21.10.2014.

On going through the records, it is observed that the Appellant had sought the following information:

(i) Certified copy of final order passed in Revision no. 16/(05)/2009-RC-II dated 27.8.2010 final order no. 270/2010.
(ii) Certified copy of final order passed in Revision no.16/(3)/2009-RC-II dated 27.8.2010 final order no.270/2010
(iii) Certified copy of final order passed in Revision no.16/(1)/2009-RC-II dated 27.8.2010 final order no.270/2010
(iv) Certified copy of final order passed in Revision no.16/ (2)/2009-RC-II dated 27.8.2010 final order no.270/2010
(v) Certified copy of final order passed in Revision no.16/(10)/2009-RC-II dated 27.8.2010 final order no.270/2010.
(vi) Certified copy of Revision Application No.16/(23)/2013-RC-II

The information furnished by the CPIO, Sh.K.B.Singh vide his letter No.1/(2)/2013-RC-II dated 21.10.2014 was as under:

"Disclosure of this information is exempted under section 8(d) of the RTI Act, 2005."

In the instant appeal, the appellant has stated that exemption from disclosure on information under section 8(d) of the RTI Act is 'information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party'
The Appellant has further stated that he had asked for certified copy of final order No. 270/2010 dated 27.8.2010 in Revision Application no, 16/(05)/2009-RC-II, 16/(3)/2009-RC-II, 16/(1)/2009-RC-II, 16/(2)/2009-RC-II and 16/(10)/2009-RC-II. The certified copies of these orders is nowhere information including commercial confidence, or trade secrets or intellectual property, or the disclosure of which would harm the competitive position of a third party.

In the present Appeal, the Appellant has now sought information indicated at point no. (i) to (v) only, of his application to the CPIO.

In view of the above, CPIO is hereby directed to furnish the information in respect of points (i) to (v) as asked by the applicant, within 20 days of the issue of this order. Information in respect of point (vi), is exempted under section 8(d) of RTI Act, 2005.

With the above facts, the Appeal stands disposed off. If the Appellant is not satisfied with the order of the Appellate Authority, he may file Second Appeal with the Central Information Commission, B-Wing, 2nd floor, August Kranti Bhawan, Bhikajicama Place, New Delhi. within 90 days of this order.

(Abha Mishra)
Appellate Authority and Under Secretary
Phone: 24369480
Email: abha.mishra@nic.in

To,
CPIO, Sh.K.B. Singh, Section Officer,
Revision Cell, Shastri Bhawan.

Copy to:
1) Shri Deepak Pandey, 166, Ravindra Nagar, Adhartal, Jabalpur, Madhya Pradesh.
2) P.I.Cell, Ministry of Mines, Block 11, CGO Complex, Lodhi Road, New Delhi