

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/NFCOM/A/2022/156964**

Shri Syed Khasim Hussain

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Nuclear Fuel Complex

...प्रतिवादीगण / Respondent

Date of Hearing : 16.01.2024

Date of Decision : 16.01.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 08.08.2022
PIO replied on : 15.09.2022
First Appeal filed on : 21.09.2022
First Appellate Order on : 27.10.2022
2ndAppeal/complaint received on : 06.12.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 08.08.2022 seeking information on 10 points as under:-

“1) The total number of work orders issued to contractors on limited tender basis by the all the plants/sections of NFC, Hyderabad during the period from 12.09.2018 to 31.07.2022 monthly wise may please be provided.

2) The Xerox copies proofs of compliance of guide lines of letter No.NFC/JC(F&A)/Works/2018 dated: 12.09.2018 by the all plants/sections of NFC, Hyderabad during the period from 12.09.2018 to 31.07.2022 in issuing work orders to the contractors on limited tender basis may please be provided.

3) The Xerox copy of guide lines issued by JC(F&A), NFC, Hyderabad for issuing work orders to contractors on nomination basis may please be provided.

4) The total number of work orders issued to contractors on nomination basis by the all the plants/sections of NFC, Hyderabad during the period from 01.01.2022 to 31.07.2022 monthly wise may please be provided.

5) The Xerox copy of work order dated: 20.03.2020 issued to M/s.Sree Avantika Construction (I) Ltd., Hyderabad by NFC, Hyderabad for the construction of ATMF plant may please be provided.

6) Xerox copies of letters No.NFC/Accts/Audit/IW/19-20 Dated:19.06.2021& NFC/CED/C-1409/247 Dated: 31.03.2021 along with enclosures may please be provided.

7) Xerox copy of work order No.NFC/PR-19/2015 Dated:11.04.2015 issued to M/s.Prism Hospitality services PVT Ltd., by NFC, Hydeabad for the work of out sourcing of manpower and catering services at Gurukui etc., in NFC, Hyderabad may please be provided.

8) The date of commencement and completion of work of out sourcing of manpower and catering services at Gurukul etc., in NFC, Hyderabad by M/s.Prism Hospitality services PVT Ltd., may please be provided.

9) Work order NO.NFC/CED/C-1362/545 Dated:29-05-2017 issued to M/s.Sarath Chandra Construction, Hyderabad for widening and block carpeting the existing road between ECIL X road and NFC north gate may please be provided.

10) The Xerox copy of final bill paid by account section, NFC, Hyderabad to M/s.Sarath Chandra Construction, Hyderabad for Work order NO.NFC/CED/C-1362/545 Dated:29-05-2017 for the work of widening and block carpeting the existing road between ECIL X road and NFC north gate may please be provided.”

The CPIO and Industrial Relations Officer, Nuclear Fuel Complex, Hyderabad vide letter dated 15.09.2022 stated as under:

The information sought is voluminous in nature. Collection & collation of such information is time consuming which will disproportionately divert the resources of Public Authority. Therefore, information sought can't be provided under Clause 7(9) of RTI Act 2005.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.09.2022. The FAA and Chief Administrative Officer, Nuclear Fuel Complex vide order dated 27.10.2022 upheld the CPIO's reply.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission has been received from the CPIO and AO- III, Nuclear Fuel Complex vide letter dated 10.01.2024, the relevant extracts of which are as under:

“6. In the light of 2nd appeal preferred by the Appellant, the Respondent CPIO humbly and most respectfully submits that the Appellant is in the habit of sending various RTI applications by continuously seeking information which is voluminous in nature and the collection and collation of such information is time consuming which would disproportionately divert the resources of the Public Authority under Section 7 (9) of RTI Act 2005.

7. Therefore, it is submitted that the Hon'ble Commission may kindly consider the above facts and close the case., relying on the earlier CIC

Order dated 24.04.2017 in Dinesh Kumar Kesarwani Vs. PIO, Allahabad Museum.”

Facts emerging in Course of Hearing:

Appellant: Heard through Audio Conference

Respondent: Shri D Srinivasa Rao, CPIO

The Appellant stated that the information sought was incorrectly denied quoting Section 7 (9) of the RTI Act, 2005 without justifying as to how it would disproportionately divert their resources.

Shri D Srinivasa Rao stated that reference was made to Section 7 (9) in the PIO's reply since the Appellant had filed multiple RTI applications seeking all and sundry information pertaining to several tenders/ work orders issued by the public authority providing which will cause disproportionate diversion of their resources.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter. Shri D Srinivasa Rao, CPIO is however directed to forward a copy of his written submission to the Appellant within 15 days from the date of receipt of this order for his perusal.

With the above observation, the instant Second Appeal stands disposed off accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535