



REGISTERED POST

To

16.7.22

Dy. CHAIRMAN and First Appellate Authority
Under R.T.I. Act.
Cochin Port Trust.
Willingdon Island-682003
Ernakulam.

RTI cell
Put up on file

Sub; First Appeal against illegal denial of information by CPIO-

Sir,

I had duly applied for the following information to CPIO, Finance Dept and as per reply dated 16.6.22 it was illegally denied violating the provisions of RTI Act.

Information sought.

'List of payment defaulters of lessees from whom payments are due to the Port as per the Schedule of the Audited Report of the Port for the year 2019-20 and 2020-2021'

The request was denied saying that it is a third party information and hence cannot be disclosed. As per the Act, the CPIO is duty bound to give the details of First Appellate Authority which was also not furnished.

In this regard the following factual and legal positions are submitted.

- The information requested is not a third party information under RTI Act. A third party information is a confidential information of a third party whereas this information sought is a basic information of the port which has been reflected in the annual accounts audited by the AG and circulated in the board and other officials. Hence this is not a third party information and therefore, the denial of information is illegal. Even third party information are not barred from disclosure and the same are to be furnished following the procedure laid down thereof. **CIC has held that No Imagined Exemptions other than grounds available can be relied upon to deny the information in Section 8 of RTI Act. (Mangla Ram Jat vs. PIO, Banaras Hindu University, Decision No. CIC / OK / A 2008 / 00860 / SG / 0809, dated 31.12.2008.)**

PRECEDENCE.

In a similar matter when list of defaulters of the bank was sought under RTI and CPIO of RBI denied the formation. In this land mark case, CIC has held that the information sought has to be furnished.

Citation.

CIC CENTRAL INFORMATION COMMISSION-

Decision No. CIC/SM/A/2011/001376/SG/15684-

https://ciconline.nic.in/cic_decisions/CIC_SM_A_2011_001376_SG_15684_M_70436.pdf

Appeal No. CIC/SM/A/2011/001376/SG-

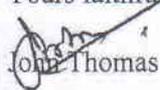
SUPREME COURT DECISION.

Supreme Court finally upheld the decision of the CIC holding that the defaulters list can be furnished under RTI.

There are innumerable number of decisions and orders of the judiciary to furnish such information under RTI and hence denial of such basic information is violation of the provisions of the Act.

Hence it is requested that the requested information may be furnished at the earliest.

Yours faithfully


John Thomas

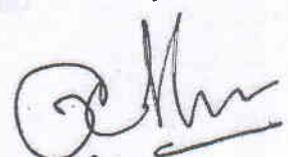
A7C, WILLINGDON ENCLAVE.

PK, ROAD.THEVARA P.O.

COCHIN-682013

Encl. No RTI cell / Appeal / JT / 2022-5 Dated: 22/07/2022

RTI Appeal is transferred to CPIO / FA & CAO, Finance Dept. for furnishing the details sought for by the Appellant subject to the provisions under RTI Act, 2005. The appeal may be disposed off on intimation to the RTI cell, GAD O.


AP10 (GAD)
MKP

No. RTI Cell/Appeal/JT/2022-S

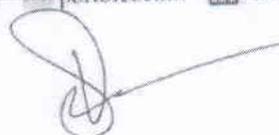
Dated: 08.11.2022

Sub: Information under the RTI Act, 2005- reg.

Ref:- Your appeal dated 16.07.2022

1. An RTI Application dated 18.06.2022 was filed by the appellant Shri. John Thomas, Flat No.A7C, Willingdon Enclave, P.K Road, Thevara P.O, Ernakulam-682 013, seeking the information "List of payment defaulters of lessees from whom payments are due to the Port as per the Schedule of the Audited Report of the Port for the year 2019-20 and 2020-21", to which reply was given by the CPIO on 27.06.2022 denying the information under section 8(1)(j) of RTI Act being third party information.
2. Aggrieved by the CPIO's reply, the appellant preferred an appeal before the First Appellate Authority vide his appeal dated 16.07.2022, wherein the appellant has contended that the information requested is not a third party information but is a basic information which has been reflected in the Annual Accounts Audited by the AG.
3. The Appellant was given opportunity of hearing, which he denied vide his letter dated 29.09.2022. Accordingly, the appeal was examined without affording any hearing. The CPIO was also given an opportunity to make submissions wherein the stand taken denying the information under section 8(1) (j) of RTI Act 2005, being third party information was affirmed.
4. I have examined the appeal and is of the view that the stand taken by the CPIO shall prevail and any interference is not required in the order passed by the CPIO.
5. Accordingly, the Appeal is disposed off.

Contd..... 2/-



6. Second Appeal, if any, against the above decision shall lie within ninety days from the date of receipt of this communication, with the Chief Information Commissioner, whose name and address are given below:

Shri. Y.K. Sinha
Chief Information Commissioner
Room No. 401, IVth Floor, CIC Bhawan
Baba Gangnath Marg, Munirka, New Delhi – 110 067

Yours faithfully,



Vikas Narwal

Appellate Authority/Dy. Chairperson
Cochin Port Authority, Cochin

To

Shri. John Thomas,
Flat No.A7C, Willingdon Enclave,
P.K Road, Thevara P.O,
Ernakulam-682 013