

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2022/664288**

Shri Samir Sardana

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre

...प्रतिवादीगण / Respondent

Date of Hearing : 11.01.2024

Date of Decision : 12.01.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 11.08.2022

PIO replied on : 09.09.2022

First Appeal filed on : 28.09.2022

First Appellate Order on : NA

2nd Appeal/complaint received on : 05.12.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 11.08.2022 seeking information on the following points:-

- PIO to state the expected date of the commissioning of the Desalination Plant at OSCOM
- PIO to provide a copy of the DPR of the Desalination Plant at OSCOM

The CPIO vide letter dated 09.09.2022 replied as under:-

“As per section 2(f) of the RTI Act, 2005, PIO can provide information which exist in material form and not expected to create or give any opinion or interpretation on any matter.

Seeking reasons, clarifications or opinion on any matter is not treated as 'Information' as per 2(f) of the RTI Act, 2005.

The information sought is strategic in nature, hence exempt from disclosure under section 8(1)(a) of the RTI Act, 2005. 12.12.2022

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 28.09.2022 which was not adjudicated by the FAA.

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

DEO(SRW)

AO(SRW)

15/1/24

Smt. Geera

22.01.2024

Facts emerging in Course of Hearing:

A written submission dated 05.01.2024 has been received from the PIO, BARC reiterating the aforementioned facts, clarifying that no First Appeal was received by them. The Respondent has also referred to Section 18(c) and 18(2)(b) of the Atomic Energy Act, 1962 to justify the denial of information.

The Appellant has filed detailed written submission which has been duly taken on record.

Hearing was scheduled after giving prior notice to both the parties.

Appellant: Present through Video conference

Respondent: Shri B V Balaji – CPIO and Shri P K Sharma were present from BARC through video conference.

Both parties placed forth their respective contentions in terms of the facts discussed hereinabove. The Appellant contended that he has been wrongly denied information by the Respondent.

The Respondent reiterated their reply and stated that only information existing on records can be supplied in terms of the provisions of the RTI Act. Information sought by the Appellant at point 1 involves assuming an expected date, which is not available on official records, hence the same could not be provided. He also submitted that the query number 2 on the other hand could not be furnished since the copy of DPR of Desalination Plant as sought by the Appellant involved strategic information which could not be put out in public domain without violating provisions of the Section 8(1)(a) of the RTI Act and Section 18(c) and 18(2)(b) of the Atomic Energy Act, 1962 .

Decision:

In the light of the records submitted and contentions made by the parties, no legal infirmity is found in the response provided by the Respondent. The reply is appropriate and well within the terms of the provisions of the RTI Act. Thus, no further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

Heeralal Samariya (हीरालालसामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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