

No. S.A. 94/2022 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Lalfakzuala, : *Appellant*
HCH-32, Company Peng, Hunthar,
Aizawl - 796009,
Ph: 6909431054/7005625779.

Pu Liantluanga Chohte, : *Respondent*
State Public Information Officer (SPIO)
&
Executive Engineer,
PHED, Khawzawl WATSAN Division,
Khawzawl, Mizoram.

ORDER
(15.11.2022)


1. Pu Lalfakzuala, Hunthar submitted an RTI application dated 01.09.2022 to the SPIO, PHED, Khawzawl WATSAN Division seeking information on the following points: -
 - a) Dt. 29.07.22 a hawn tak NIRT 1,2 & 4-10-ah khan he'ng Firm – HS Construction, Excelsior Merchant Pvt. Ltd., Royal Floria leh PCCS te hian Technical Eligibility/Experience atan eng eng nge, khawi khua te nge an rawn dah?
 - b) A chungka ka rawn sawi Firm/Contractor-te khian Tender document sawi ang “Design & Drawings” ah khan eng drawing te nge an rawn dah? (NIRT 1,2 & 4 – 10 ah)
 - c) A chungka firm/contractor te khian EM hi khawi hmun leh Branch-ah te nge an siam? Heta EM tia ka sawi hi NIRT 1, 2 & 4-10 atan an rawn submit kha a ni.
2. In reply, Pu Liantluanga Chohte, EE, PHED, Khawzawl WATSAN Division informed him that, “RTI Act, 2005, hmanga ni 1.9.2022-a i zawhna hi RTI Act 2005 Section 11 in a sawi angin third party inrawlhna a awm a, tin, section-8(1)(d) in a sawi angin mipui tana hlawkna a pek dawn loh avang leh third party ten an remtih loh avangin chhan theih a ni lo tih ka hriattir a che”.
3. Feeling aggrieved, the appellant preferred First Appeal dated 17.10.2022 to the Departmental Appellate Authority/Superintending Engineer, PHED, Champhai WATSAN Circle. The DAA heard both the parties on 28.10.2022 and thereafter issued judgement order vide Memo No. F.12013/1/09-PHED(CWC)/83 dt. 31.10.2022 stating that “Third party ten an document pek chhuah an phal loh avang hian, an ngaihdan zah sak in document an dil hi pek chhuah loh tur a ni”. Not satisfied with the judgement order of the DAA, the appellant submitted Second Appeal dated 02.11.2022 to the Chief Information Commissioner, MIC with a request to help him get his required information. In this regard, summon was issued to both the appellant and the respondent

to appear before the CIC on 14.11.2022 (Monday) at 11:00 AM. As scheduled, hearing was held in the office chamber of the Chief Information Commissioner wherein Pu Lalnunmawia Chuaungo, CIC and Pu Zoramawia, IC were present. Both the appellant and respondent were also present.

4. In the hearing, the appellant informed the Commission that even though they were present while opening the tender bids they were not shown all the details submitted by the other bidders. On enquiry as to what documents were enclosed by the other bidders after general checking, he was told by the office that they would look into it after technical scrutiny. However, since he did not receive any update, he submitted his RTI application wherein he was denied information citing refusal to disclose by third party.
5. On being asked by the Commission as to whether pre-bid meeting was held with the bidders/competitors, the respondent informed that pre-bid meeting was not held. He also mentioned that the information sought was denied as the matter pertains to third party who objected to disclosure of the information and also mentioned that he is of the opinion that the disclosure of information could cause problems which would not be in public interest.
6. After hearing both the parties, the Commission observed the following: -
 - i) The SPIO & Executive Engineer, PHED, Khawzawl WATSAN Division should have provided the information sought instead of treating it as third party information since the case pertains to matters that ought to be put up openly in public domain as the work is public work to be executed from public funds.
 - ii) The DAA & Superintending Engineer, PHED, Champhai WATSAN Circle should have also taken into account while deciding the First Appeal that the guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be done if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party and that the information sought for by the appellant are not covered by exemptions under Section 8 of the RTI Act, 2005.
7. In view of the above, **the Commission hereby directs that Pu Liantluanga Chohte, SPIO & Executive Engineer, PHED, Khawzawl WATSAN Division shall provide copies of the information sought, to the appellant, free of cost, not later than 21.11.2022 (Monday) with a copy to Mizoram Information Commission.**

The matter is disposed of accordingly. Copy of the decision to be given free of cost to the parties.




(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission