

No. C. 30/08-MSIC  
MIZORAM STATE INFORMATION COMMISSION  
KHATLA : AIZAWL

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**ORDER**  
(10.2.2009)

Zoramchhana, Upper Republic, Aizawl, a contractor under Valecha Engineering Ltd., requested the SPIO of Valecha Engineering Ltd. on 7.11.2008 to give copies of certain Work Orders and the method and calculation of estimates in preparation of bills. However, the Project Manager of Valecha Engineering Ltd. denied supply of information on the plea that RTI Act, 2005 is not applicable to Valecha Engineering Ltd. The applicant then requested the same information from the CPG Consultants, Aizawl, who also denied the information on the grounds that CPG Consultants does not have SPIO and that the required information do not come under its purview. The applicant then turned to local PWD for the same information. The PWD, after all formalities observed by the applicant, supplied certain relevant information with the advice to approach Valecha Engineering Ltd or CPG Consultants, for rest of the information required.

Unable to obtain the required information, the applicant approached the State Information Commission to fish out the required information. The Commission noticed the above 3 non-applicants to appear before it on 27.11.2008 with all relevant documents in original. The 3 non-applicants appeared on 27.11.2008. In the course of hearing, the Project Manager, Valecha Engineering Ltd. informed the Commission that the required information was already given to the applicant which, however, was denied by the complainant before the Commission on 5.12.2008. Again, the 3 non-applicants were required to appear before the Commission on 16.12.2008. The 3 non-applicants appeared before the Commission. Shri E.H. Farooqui, Project Manager of Valecha Engineering Ltd., submitted a bunch of original documents to the Commission for perusal.

On examination of the case, the Commission opined that the required information was not given to the applicant-complainant by the Valecha Engineering Ltd. The Commission, therefore, ordered that the Project Manager, Valecha Engineering Ltd., be directed to give the required information within 7 days from receipt of the order, and a penalty notice be issued to the Project Manager, Valecha Engineering Ltd., for failure to give the required information within 30 days under Section 20 of the RTI Act, 2005.

A show cause notice was issued to Project Manager, Valecha Engineering Ltd. to give his statement within 7 days and to appear before the Commission on 29.1.2009. The Project Manager submitted his statement in which he refuted Valecha Engineering Ltd. being a public authority, and requested for quashing the penalty notice issued to him. Subsequently, the Project Manager, Valecha Engineering Ltd., assisted by an Advocate, appeared before the Commission on 29.1.2009. In the course of hearing, the Advocate of the Valecha Engineering Ltd. withdrew the denial statement of the Project Manager that Valecha Engineering Ltd. is not a public authority. The Project Manager also informed the Commission that the required information was given to the complainant and pleaded for withdrawal of the penalty notice issued to him.



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Denial of information to the complainant by Valecha Engineering Ltd., Aizawl, was wrong in point of law. The information was denied on the ground that a private firm like Valecha Engineering Ltd., Aizawl, is not covered by the provisions of RTI Act and that the firm was not a public authority. This ground of denial, although incorrect and later on withdrawn, nonetheless, is a plausible ground as the firm was under the impression that the term 'public authority' does not cover private firm. The stand taken by the firm for denial of information indicates that the firm was ignorant about the provisions of the RTI Act. Although ignorance is no excuse in law, all the same looking to the prevailing facts and circumstances of the case and the general impression prevailing among the people of Mizoram, the ground for rejection, we opine, is plausible and is without mala fide intention. In the circumstances, the Commission is of the opinion that in the present case imposition of penalty is not called for.

In the result, penalty notice issued in the case is withdrawn.



(K. TLANTHANGA)  
Information Commissioner



(ROBERT HRANGDAWLA)  
Chief Information Commissioner

