

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/A/2016/000085**

Date of Hearing : **31.01.2017**
Date of Interim Decision : **31.01.2017**
Date of Final Decision : **06.04.2017**
Appellant/Complainant : **Shri Jagdish Narayan Singh,
Ranchi (Jharkhand)**
Respondent : CPIO, Coal India Limited, Kolkata
Through:
Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 12.06.2015
PIO replied on : 10.08.2015
First Appeal filed on : 03.09.2015
First Appellate Order on : --
2nd Appeal/complaint received on : 01.01.2016

Information sought and background of the case:

The appellant vide RTI application dated 12.06.2015 sought information as under:

“Cost of production of Coal and removal of Over-burden separately for departmental and contractual operation”.

CPIO vide letter dated 10.08.2015 replied as under:

“Cost of production of Coal and removal of Over Burden separately for departmental and contractual operation are not being done in the present system.

It is also to inform that separate computation of the aforementioned information is also not necessary under any statute”.

The appellant preferred first appeal. FAA vide order dated 02.11.2015 upheld the reply of CPIO. Feeling aggrieved the appellant approached the Commission.

Relevant facts emerging during hearing:

Both parties are present and heard. The appellant states that he intends to know the cost of production of coal and removal of over burden separately for the contractual and for the Departmental operation. He also states that during Annual General Meeting, 2012 he was promised that separate computation would be undertaken on the cost of production by Departmental and contractual operation. The appellant also stated that he is a mining engineer and well versed in this area of methods of extraction and is concerned about inefficient Departmental operations vis-a-vis the contractual ones. He stated that the reason for not providing the information is to hide the departmental inefficiency in production of coal. The respondent states that cost of over burden is not computed nor it is required by any kind of statute. He states that departmental operations and contractual operations are considered together in accounts and as such costs cannot be separated. The appellant rebutted and stated that the cost of over burden is paid separately and hence there is no problem in segregation of the costs. The respondent replied that such information is available only in respect of their two subsidiaries such as ECL and BCCL. On being asked as to what is the public interest involved in seeking this information, the appellant states that efficiency of Coal India Ltd. is deteriorating day by day and being a share holder, he has every right to know as to what steps are being taken to improve their working. The respondent stated that while the annual balance sheet is put in the public domain, the computation of cost per unit given in the cost sheets is not in the public domain. Releasing this data would have an adverse impact on the company's performance.

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After hearing parties and perusal of record, the Commission directs the appellant to file a written submission indicating the public interest involved in seeking the information by 16.02.2017 with an advance copy to the respondent. The respondent shall file his counter thereto within 2 weeks of receipt of submissions from the appellant. The Deputy Registrar of this bench is directed to put up the matter before the Commission after receipt of submission from both the parties for further action in the matter.

Decision reserved.

FINAL DECISION:

The appellant has submitted a letter dated 02.02.2017 adhering to the aforementioned directions of the Commission. In the submissions, the appellant has mentioned that the information has been sought in public interest and in order to reveal the performance and efficiency of the

Departmental and Contractual operation. The information is purported to be used in suggesting way and means to improve efficiency of the Departmental operation, if the current methods of operation are found inadequate. Thus the appellant has contended that he sought the detailed information including the cost of operation separately for Contractual and Departmental jobs in order to assist in suggesting and devising methods to boost the efficiency of the Respondent Government company.

The Respondent has submitted their counter submissions dated 23/24.02.2017 stating that *there is no system of capturing or maintaining data separately for departmental and outsourcing operations of coal production and overburden removal since activities like supervision, safety, blasting, security, administration etc form part of and often are overlapping in nature in both departmental and outsourcing methods of operation.* The Respondent has further stated that *outsourcing is a strategic tool employed by the company for increasing the capacity of the company and cost reduction.*

The Respondent company has further explained that *even if the data sought by the appellant could have been maintained separately for departmental and outsourcing activities, as desired by the appellant, even then the data would not have been published in public domain being commercially classified information, misuse whereof would adversely affect the competitiveness of the Respondent company.* Having thus explained the reason behind their stance, the Respondent has divulged information reflecting the efficiency of the Respondent by providing data about Coal Production, Overburden production and Off-take in units for past five years.

After perusal of detailed submissions of the parties, the Commission is of the considered opinion that information as could be furnished by the Respondent has been duly supplied. Reason for denial of remaining information is found justified. There is no further cause of action left to be adjudicated in this case.

Accordingly the Commission directs that the instant case be closed and file consigned to record room.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

CPIO: Nodal Officer - RTI Cell, Coal India Limited, Coal Bhawan Premises No.-04, MAR, Plot No.- AF-III, Action Area-1A, New Town Rajarhat, Kolkata-700156.	First Appellate Authority under RTI Chief General Manager-(CC&PR), Coal India Limited, Coal Bhawan Premises No.-04, MAR, Plot No.- AF-III, Action Area-1A, New Town Rajarhat, Kolkata-700156.
JAGDISH NARAYAN SINGH House No. – 104, UMA SHANTI APARTMENT, KANKE ROAD, RANCHI-834008 (JHARKHAND).	