

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000090
Right to Information Act-2005-Under Section (19)

Date of hearing : 23rd January 2017

Date of decision : 23rd January 2017

Name of the Appellant : SMT. HEMALATHA. R
W/O. SHRI HARI KRISHNA. P.,
VAISHNAVI RESIDENCE,
FLAT- 104, 1ST FLOOR, K K LAYOUT,
PAPAREDDY PALYA, MALLATHA
HALLI, NAGARBHAVI, 2ND STAGE,
BANGALORE, KARNATAKA-560072

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
HINDUSTAN PETROLEUM CORPORATION
LIMITED
NO.-77, OLD MADRAS ROAD,
DOORVANINAGAR POST,
KRISHNARAJAPURAM, BENGALURU,
KARNATAKA- 560016

RTI Application filed on : 20/03/2015

CPIO replied on : 27/03/2015

First Appeal filed on : 07/04/2015

First Appellate Authority order on : 11/05/2015

2nd Appeal received on : 29/12/2015

The Appellant was present at the NIC Studio, Bangalore.

On behalf of the Respondents, Shri Sudhalkar Dutta, Chief RM was present at the NIC Studio, Bangalore.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

1. Copies of all the documents submitted by Shri R Kumaraswamy and Shri Vivek Kumar relating to selection for a retail outlet at location Madegere under ST category.
2. Land Survey report.
3. Documents related to declaration of final results for retail outlet dealership.

The CPIO reply

The CPIO provided some information and denied the information concerning application forms including annexure, of the candidates, under section 8 (1) (d) & (e) of the RTI Act. He also sent notice to the third parties as per Section 11 of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

The FAA upheld the CPIO's reply, stating that the third parties had refused to divulge their information to the Appellant.

Grounds of the Second Appeal

Information sought not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Respondents stated that the Appellant has sought information concerning the documents submitted by two candidates in a selection process, in which she also participated as the third candidate. They further submitted that the selection process is not over and the LOI is yet to be issued. They also stated that an investigation in the matter is in progress on the basis of a complaint made by the Appellant.

2. The Appellant stated that the Respondents had selected one of the three candidates. However, she complained and provided some proof to the Respondents to the effect that the selected candidate was ineligible for selection. She now needs some information, particularly regarding the location of the land offered by the selected candidate and its area as well as his educational qualification to take

forward her objection to the selection. The Appellant stressed that even though an LOI has not been issued so far, one candidate was selected by the Respondents.

3. We have considered the submissions of both the parties and note that the Commission has been in favour of transparency in respect of the documents submitted by a selected candidate, after the selection process is over. Therefore, the Commission has been directing the CPIOs to facilitate inspection of the documents submitted by the selected candidates in such cases, with the exception of information of a personal nature concerning them, exempted from disclosure under Section 8 (1) (j) of the RTI Act. However, it is noted in the instant case that the selection process is yet to be concluded and even though a candidate might have been selected, LOI is yet to be issued. Disclosure of information concerning one another to the candidates in a selection process for a retail outlet, while the selection process is yet to be concluded, can result in complete chaos in the matter of selection. Therefore, we would refrain from directing disclosure of any information to the Appellant at this stage.

4. With the above observations, the appeal is disposed of.

5. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
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.

(Vijay Bhalla)
Deputy Registrar