



भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

Passed by:

ED (Engg), NR
& First Appellate Authority
Airports Authority of India
'B' Block, Rajiv Gandhi Bhawan
Safdarjung Airport,
New Delhi-110003

In the matter of:

Sh. Sudhanshu Jindal
D1 A/90, Janak Puri
Delhi - 110058

Order No. AAI/Engg/RTI/Appeal/2017/

Dt. 26.12.2017

1. PREAMBLE

This order is made under section 19 of the RTI Act 2005.

An appeal against this order lies with Central Information Commission, Room No. 329, IInd Floor, C-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066. The appeal may be filed within 90 days from the date on which this order should have been made or is actually received.

2. FACTS

Sh. Sh. Sudhanshu Jindal, D1 A/90, Janak Puri, Delhi - 110058 made an online application dated 16.11.2017 (Reg. NO. AAOIN/R/2017/51635) to Sh. M.N.N. Rao, GM (Engg-C)/CPIO-NR, CHQ, under the RTI Act 2005, seeking the following information:

In terms of provisions of the Right to Information Act, 2005, I request you to kindly furnish following information:

- 1. Copy of Technical Instructions, office orders etc. explaining why performance guarantee is not charged on tenders below 5 crore.*
- 2. Copy of CPWD circular is enclosed for 5 percent pg and 2.5 percent security deposit. As well works is done based on CPWD instructions, Copy of technical instructions, office orders etc. explaining why this circular is not made applicable in AAI.*

In response to the Applicant's queries, the General Manager (Engg-C)/CPIO-NR, AAI, CHQ, RGB, Safdarjung Airport, New Delhi, has submitted online reply on 27.11.2017 stating that:

"Under the provisions exits in the section - 2 F of RTI Act 2005, CPIO can only provide the information, means any material in form, including record, documents, memos, e-mails opinions, advices, press releases, circulars, orders, log books, contract, reports, papers, samples, models, data materials held in any electronic form and information relating to any.

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private body which can be accessed by a public authority under any other law for the time being in force.

The appellant, being not satisfied with the reply of CPIO given on 27.11.2017, has made first online appeal dated 27.11.2017 (Reg. No. AAOIN/A/2017/60395) to the First Appellate Authority, Engineering Directorate (Civil & Electrical)-Northern Region and stating that:

Provided incomplete, misleading or false information. No Information has been provided except quoting a clause of RTI Act. Performance guarantee was applicable on tenders that were less than 5 crore in AAI but it was removed. Copy of that file and technical instruction is requested. The same has not been provided by PIO.

FINDING / ORDER

Having gone through the case, the RTI applicant sought the information from GM (Engg-C)/CPIO-NR, AAI, CHQ, New Delhi, accordingly, CPIO has submitted the online reply on 27.11.2017 stating that ***Under the provisions exist in the section 2(F) of RTI Act, 2005, CPIO can only provide the "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contract, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*** Which is found correct in accordance with the provisions contained in the clause 2F of the RTI Act, 2005.

Applicant, being not satisfied with the reply submitted by the CPIO on dt. 27.11.2017, has made an online appeal on 27.11.2017 to the First Appellate Authority requesting to provide the information sought by him mainly the copy of file and technical instruction by which the clause of performance guarantee for the works less than Rs.5.00 Cr. in AAI tenders was removed.

Therefore, after receiving the online appeal the exercise to find out the sought information has been done and it is observed that the information sought by the appellant does not include answers to the questions like 'why', in accordance with the provisions contained in the clause 2F of the RTI Act, 2005 and also under decision dated 03.04.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission regarding information under the Right to Information Act, 2005, term 'information' as defined in the Right to Information Act. The relevant part of the judgement is reproduced below:

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justifications because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

Considering the matter stated above, CPIO is directed to provide the photo copy of the relevant para of "Engineering Work Manual" containing the provision / applicability of

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3.

performance guarantee to the Appellant within 15 days of time from the date of issue of this order.

Therefore, considering the para 5 above, First Appellant Authority, Engineering Directorate (Civil & Electrical)-Northern Region, with the above decision, the online appeal dt. 27.11.2017 of Sh. Sudhanshu Jindal is dispose off.

K Bw
28/12/17

(Kaushik Bhattacharjee)
Executive Director (Engg), NR
First Appellate Authority
(Civil & Elect.), Northern Region
Corporate Head Quarters

Copy to: For information

1. General Manager (Engg-C)/CPIO-NR
Airports authority of India
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New Delhi-110003
2. General Manager (Law)
Nodal Officer – RTI
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