Central Information Commission
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Case No. CIC/LS/A/2013/001477-SS
January 28, 2014

Appellant : Shri Harish Prasad Divedi

Respondents : Bharat Petroleum Corporation Ltd

Date of Hearing : 28.01.2014

ORDER

The present appeal, filed by Shri Harish Prasad Divedi against Bharat Petroleum Corporation Ltd., was taken up for hearing on 28.01.2014 when the Respondents were present through Shri G.M. Vats, State Coordinator and Shri Pulkit Mathur, Sr. Manager. The Appellant was, however, not present.

2. The Appellant through an RTI application dated 19.12.2012 sought certain information regarding a notification dated 15.09.2011 by which the public authority had invited the applications for dealership within the range of 2 kilometer of Bhaniyawala NH 72. This application included queries, such as *how many applications have been received for dealership; provide name, address and telephone numbers of applicants; when was the site inspection conducted; provide*

the name, strength and designation of the officers who were part of the Inspection Committee, provide attested copy of Inspection report and so on.

3. The CPIO vide his letter dated 13.02.2013 furnished point-wise reply/information to the Appellant. The Appellant, however, being dissatisfied with the information supplied to him by the CPIO in respect of point No. 4 of the RTI application, filed an appeal dated 28.02.2013 before the First Appellate Authority.

4. Since the Appellant did not receive any response from the Appellate Authority, he filed the present appeal before the Commission wherein he, while stating that he is not satisfied with the information supplied to him in relation to point No. 4 of his RTI application, sought some additional information like, yardstick being followed for giving dealership in respect of highways; copy of objection raised by Site Inspection Committee in respect of yardstick etc.

5. During the hearing, the Respondents point out that the Appellant in his present appeal before the Commission has sought additional information which he had not sought in his original RTI application. Moreover, in his first appeal before the Appellate Authority he had only contested the information in respect of point No. 4 of his RTI application wherein he had just asked for copy of inspection reports submitted by Site Inspection Committee and details of marks awarded by them. In response to this point, they have provided a copy of "mark sheet" containing the marks awarded by the selection committee after site inspection to the Appellant.

6. The Appellant, who did not attend the hearing, has filed a written submission wherein he has stated as follows:

"CPIO and First Appellate Authority have failed to provide

1) Copy of the report submitted by Site Inspection Committee whereas CPIO has provided copy of selection committee report.
2)Copy of relevant parameters/norms of National Highway Authority under which appellant's land does no fulfil the norms."

7. Having heard the submissions and perused the records, the Commission agrees with the Respondents that the information now sought by the Appellant in the present appeal did not form part of his original RTI application. Therefore, the Commission is not in a position to allow the disclosure of the information which had not even been sought by the appellant in his RTI application. An information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. No disclosure can, therefore, be directed to be made in the present appeal of the Appellant. The Appellant, however, may file a fresh RTI application, if he so desires.

8. As regards the Appellant's submission now made in his written submission that while he had asked for copy of report of Site Inspection Committee, the CPIO had given him copy of report of selection committee, the CPIO is directed to clarify this point to the Appellant within 1 week of receipt of this order.

9. Appeal is disposed of accordingly.

(Sushma Singh)
Chief Information Commissioner