

Case No.	DBR.15/2018
Complainant/ Appellant	Sri Monoj Deka
Respondent	SPIO of the office of DIC, Tinsukia
Date of Hearing	21.06.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
21.06.2018

1. The petitioner Sri Monoj Deka is absent without any information. The public authority is represented by :- (i) Sri Pankaj Hazarika, Joint Director and SPIO of the office of Commissioner of Industries, Govt. of Assam, (ii) Sri Ashok Kr. Saikia, ASPIO of the Commissionerate of Industries and Commerce and (iii) Sri Pronob Kotoky, PIO of the District Industries and Commerce Centre , Tinsukia.

2. The second appeal petition dated 27-11-2017 is taken up for hearing ex-parte in the absence of the petitioner.

3. The PIO and Personnel Manager of DICC, Tinsukia has sent a written statement dated 19th June, 2018. The First Appellate Authority and General Manager, DICC, Tinsukia has also sent a separate written statement dated 19th June, 2018. Both the written statements are entered into the case records.

4. From perusal of the case records it is seen that the petitioner Sri Monoj Deka vide his RTI petition dated 31-7-2017 before the SPIO of DICC, Tinsukia sought informations about an industrial unit by the name –“Green Vision Industries”. The petitioner sought :-

- (a) Copy of the Project Report of Green Vision Industries;*
- (b) Information whether any subsidy was released to the said industrial unit; and*
- (c) The details thereof.*

5. It is seen that informations in respect of 4(b) and 4(c) above were furnished to the petitioner by the G.M, DICC, Tinsukia vide letter dated 19th December, 2017 by way of enclosing a copy of letter No.CI&C(1)MISC/112/2016/84/10059 dated 18th December, 2017 from the SPIO and Additional Director, (UAZ) of the Commissionerate of Industries and Commerce, Govt. of Assam.

6. It is noted that the petitioner's second appeal petition was dated 27-11-2017 and he was provided the aforesaid information vide letter dated 19th December, 2017 , i.e., after filing of the second appeal petition.

7. In view of the petitioner's absence today and in the absence of any further communication from his end, it is presumed that he has since received the sought for information and he has no further submission to make in this regard.

8. Coming to the point at para 4 (a) above, i.e., copy of the project report, this Commission is of the view that a project report prepared by Green Vision Industries and submitted to the concerned authorities attracts the elements of commercial confidence and fiduciary relationship as mentioned at Sections 8(1)(d) and 8(1)(e) of the RTI Act, 2005. Moreover, in most of the cases the concerned entrepreneurs have to bear a cost for preparation of the project report through their Consultants thereby bringing such project reports within the meaning of personal property of the concerned entrepreneur. The G.M, DICC, Tinsukia enclosed with his W/S a copy of letter dated 3-11-2017 received from M/S Green Vision Industries strongly objecting to furnishing copy of the project report to the petitioner and the petitioner was informed about this by the G.M, DICC , Tinsukia vide his letter dated 8th November, 2017.

9. In his second appeal petition the petitioner strongly pleaded for disclosure of the said project report on the ground that since the industrial unit received subsidy on the basis of the said project report, it should come under the purview of the RTI Act, and , therefore, he should be given a copy of the said project report.

This Commission is of the view that grant of subsidy based on the project report by itself cannot outweigh the considerations of commercial confidence and fiduciary relationship, as referred to above. The project report may be disclosable to a third party if and when larger public interest warrants the disclosure of such information. The petitioner has not brought forth any additional facts or arguments to substantiate that larger public interest is involved in the matter, warranting disclosure of the aforesaid project report.

10 Hence his appeal in this regard could not be accepted by this Commission. However the SPIO and Joint Director of the Commissionerate of Industries and Commerce, however, submitted that the petitioner can access the minutes and resolutions of the State Level Committee granting subsidies to the aforesaid industry in the Commissionerate's website –www.industriescom.assam.gov.in.

11. With the above orders the second appeal petition dated 27-11-2017 is disposed of.

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

**Registrar I/c
Assam Information Commission**

Memo No SIC/ DBR.15/2018 / A

Dated 21.06.2018

Copy to:-.

- 1) SPIO and Joint Director of the Commissionerate of Industries and Commerce for information.
- 2) Sri Monoj Deka,, PWD Colony, Near Over bridge, Dibrugarh -786 001 for information
- 3) Computer Section for uploading in the Website
- 4) Office file.
- 5) Order Book.

**Registrar I/c
Assam Information Commission.**