BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Hon'ble Shri D.N.Padhi, SCIC

Date: 27th May, 2008

Complaint Case No.503/2007

Lokanath Sethi,
At/PO-Tamando-752054,
Bhubaneswar..... .....Complainant

-Vrs-

1. Public Information Officer,
Hindustan Petroleum Corporation Limited,
5th floor, Alok Bharati Building,
Saheed Nagar,
Bhubaneswar-751007

2. First Appellate Authority,
Hindustant Petroleum Corporation Limited,
5th floor, Alok Bharati Building,
Saheed Nagar,
Bhubaneswar-751007.....Opposite Parties

Decision

1. Complainant Lokanath Sethi is present. Opposite Parties are absent probably because the case was posted to to-day for perusal of compliance report of the PIO and presence of the parties had not been required. Nonetheless, heard the Complainant. Perused the case record.

2. The Complainant had sought in form A application dated 09/01/07 from the PIO, HPCL, Bhubaneswar, copies of application form, educational qualification certificate, affidavits in support of the tie-up volume and caste certificate submitted by Rohini Kanta Nayak in respect of award of HPCL Retail Outlet dealership from Aiginia to Tamando, on the left hand side of the NH-5.

3. The case was earlier heard on 21/02/08 and 01/05/08. The PIO did not initially supply the information on the ground that it related to commercial dealings with one Rohini Kanta Nayak regarding allotment of a HPCL

outlet in which the Complainant was also a bidder. The rejection had been commutated vide letter dated 12.04.2007. The PIO had submitted that the information sought for by the Complainant related to a third party which involved commercial confidence and trade secret, the disclosure of which would harm the competitive position of the said third party. The PIO had further stated that there was no material to show that larger public interest warranted disclosure of such information. He further stated that no interim reply was sent to the Complainant, as he was an interested party in the allotment matter and the process of selection was on.

4. The State Commission upon hearing the parties had directed the PIO to provide (i) copy of caste certificate and (ii) the certificate showing educational profile of the third party within 15 days, free of cost, and report compliance to the State Commission through the Registrar, as the same would not impinge on the commercial/privacy interests of any party. In obedience to the orders of the State Commission, the PIO intimated the State Commission on 19/05/08 that a photocopy of caste certificate and certificate showing the educational profile of Rohini Kanta Nayak was supplied to the Complainant on 19/05/08.This receipt of these two documents, free of cost, was confirmed today by the Complainant.

5. In view of the above and as the delay was not intentional but in the larger public interest no orders on penalty. Accordingly, the case is disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 27th day of May, 2008.

ORISSA INFORMATION COMMISSION * BHUBANESWAR *

SCIC

27.5.08