



Central Information Commission
Baba Gang Nath Marg
Munirka, New Delhi - 110067

011-26182594

<http://dsscic.nic.in/online-link-paper-compliance/add>

File No. CIC/MOCMI/C/2017/194379

DATE : 27-06-2019

NOTICE OF HEARING FOR APPEAL/COMPLAINT

Appellant(s)/Complainant(s):

Respondent(s):

S. Jegatheesan
Managing Director,
Transworld Garnet India PVT.
LTD. PALAYAMKOTTAI HIGH
ROAD, KUTTUDANKADU VILLAGE,
TUTICORIN - 628103
Tamil Nadu, Thoothukudi
(Tuticorin)

CPIO :

1. The CPIO / Deputy Development Commission
Ministry of Commerce &
Industry O/o the Development
Commissioner, Admn. Office
Building, MEPZ - Special
Economic Zone, N.H - 45,
G.S.T.Road, Tambaram, Chennai-
600045

Date of RTI

Date of reply, if any, of
CPIO

Date of 1st Appeal made,
if any

Date of order, if any, of
First AA

11-11-2016

24-10-2016

01-12-2016

-

1. Take notice that the above appeal/complaint in respect of RTI application dated 11-11-2016 filed by the appellant/complainant has been listed for hearing before **Hon'ble Information Commissioner Ms. Vanaja N Sarna on 18-07-2019 at 01:00 PM .**

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative.

3. (a) CPIO/PIO should personally attend the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the rank of CPIO. PIO, fully acquainted with the facts of the case **and bring complete file/file(s) with him.**

(b) If the CPIO attending the hearing before the Commission does not happen to be the concerned CPIO, it shall still be his/her responsibility to ensure that the CPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same **shall** be served upon opposite party. If any party wishes to make online submission, the same may be sent to the Commission's link only viz., <http://dsscic.nic.in/online-link-paper-compliance/add>

5. CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.

Venue for the Appellant/Complainant

NIC Studio : N.I.C. Video Conferencing Studio, Room No-10, 3rd Floor, K.V.K. Samy Mali Gai, District Collectorate, Koram Pallam, Tuticorin-628001 (Tamil Nadu)

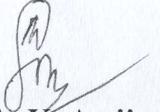
(Contact officer : Shri Mr. Kumar V. (Scientist-D). **Contact No :** 0461-2340631)

Venue for CPIO 1

NIC Studio : NIC Studio , District Informatics Officer, Collectorate, 62, Rajaji Salai, Chennai-600001

(Contact officer : Shri Shri M Gunasekaran (Scientist-E) **Contact No. :** 044-25264205)

By order of the Commission.


A. K. Assija
Dy. Registrar

Reference number of CPIO Reply(if any) : -

To

1. CPIO, Public Authority
2. Appellant/Complainant.

Copy for information/necessary action to: NIC.

Copy To :

The FAA / Joint Development
Commissioner, Ministry of Commerce &
Industry, O/o the Development
Commissioner, Admn. Office Building,
MEPZ - Special Economic Zone, N.H - 45,
G.S.T.Road, Tambaram, Chennai- 600045



TRANSWORLD GARNET

INDIA PVT. LTD.



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To

Date : 20.12.2016

The Joint Registrar,
Central Information Commission,
'B' Wing, 2nd Floor, August Kranti Bhawan,
Bhikhaaji Cama Place,
New Delhi – 110 066.

COMPLAINT

Sir,

CIC/MOCMI/C/2017/194379.

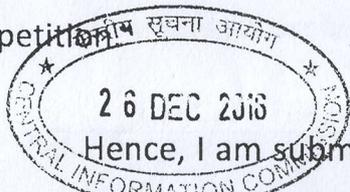
Sub : Second appeal to the Central Information Commission- reg.

The CPIO informed that, he has decided to furnish certain information to our competitor which was submitted by us.

I have requested the Central Public Information Officer, MEPZ not to furnish the same to our competitor vide my letter dated 11.11.2016. The CPIO vide his letter dated 24.10.2016 rejected my request.

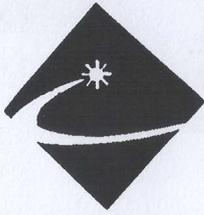
Hence I submitted first appeal on 01.12.2016 to the appellate authority. The appellate authority on 02.12.2016 dismissed my appeal petition.

Hence, I am submitting the 2nd appeal to you in two sets with index to the documents. One copy is sent to the PIO and 1st appellate authority by



194379
29/12/16

CR



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RPAD and the postal receipt copy Xerox is enclosed herewith for your reference.

I therefore request you sir, my appeal may kindly be admitted for hearing and thus render justice. All the original documents will be furnished at the time of hearing.

Thanking you

Yours truly,

S. Jegatheesan
Managing Director

Copy Submitted to :

Shri. G.Suresh Babu
CPIO /Deputy Development Commissioner,
Ministry of Commerce & Industry
Office of the Development Commissioner,
Admin Office Building, MEPZ – Special Economic Zone
National Highway-45, Tambaram,
Chennai – 600 045.

Shri. D. Anandan, I.A.S.,
Joint Development Commissioner / Appellate authority,
MEPZ – Special Economic Zone
National Highway-45, Tambaram,
Chennai – 600 045.

CONTENTS OF COMPLAINT TO BE PROVIDED BY THE APPELLANT AS PER CIC

COMPLAIN PROCEDURE RULES 2005 TO THE CENTRAL INFORMATION COMMISSION

S.No	Particulars Required
1	<p>Name & address of the appellant with Contact Nos. (Mobile etc.)</p> <p>Transworld Garnet India Private Limited, Palayamkottai High Road, Kuttudankadu Village, Tuticorin – 628 103</p>
2	<p>a) Name & Address of the Central Public Information Officer against the decision of whom the appeal is preferred.</p> <p>Shri. G.Suresh Babu CPIO /Deputy Development Commissioner, Ministry of Commerce & Industry Office of the Development Commissioner, Admin Office Building, MEPZ – Special Economic Zone National Highway-45, Tambaram, Chennai – 600 045.</p> <p>Shri. D. Anandan, I.A.S., Joint Development Commissioner / Appellate authority, MEPZ – Special Economic Zone National Highway-45, Tambaram, Chennai – 600 045.</p> <p>b) Date of Application : 11.11.2016</p> <p>c) Date of Reply from CPIO : 24.10.2016</p>
3	<p>Particulars of the Order including number, if any, against which the appeal is preferred;</p> <p>The CPIO File No. RTI/249/2016-17/5138 dated 24.10.2016</p>

4	<p>Brief Facts leading to the appeal</p> <p>Our business competitor Mr.Dhayadevadas approached the CPIO for seeking certain information about the reply given to his complaint to the authorities. Already we have number of litigations pending in various stages. Already the CIC issue direction that, the business rivalry should be taken into consideration while deciding Mr.Dhayadevadas appeal. We received notice under section 11 of RTI Act from the CPIO vide his letter dated 6.10.2016 to make our submission in writing, informing that, he has intends to disclose the above information to the applicant. Hence without hearing the affected third party the CPIO decided to furnish the information relating to our company which was submitted by us.</p> <p>Since directly CPIO decided to grant without hearing us, we submit our objection to the CPIO vide our letter dated 11.11.2016 which was rejected by the CPIO vide his letter file NO. RTI/249/2016-17/5138 dated 24.10.16. Hence the petitioner filed first appeal to the appellate authority objecting furnishing the information to our competitor which was also rejected by the appellate authority vide its decision dated 2.12.2016 in appeal number RTI Appeal 267/2016-17. Hence the petitioner filed 2nd appeal before the CIC.</p>
5	<p>If the appeal is preferred against deemed refusal, the particulars of the application, including number and date name and address of the Central Public Information Officer to whom the application was made ;</p> <p>My appeal also rejected by the appellate authority vide letter No. RTI Appeal 267/2016-17 dated 2.12.16</p>
6	<p>Prayer or Relief Sought :</p> <p><u>The appeal may be allowed and the PIO may be directed to reject the application made by our competitor Mr.Dhayadevadas.</u></p>

7	<p>Grounds for the Prayer or Relief ;</p> <p>There is business rivalry among the applicant as well as this appellant. The CIC already decided that, this applicant misused the RTI Act to give trouble to the competitors. There is no public interest in his application. Without a public interest this information cannot be furnished. All this activities are under <u>SEZ Act No. 28 of 2005</u> which will override other Acts. Hence this information cannot be furnished to other person particularly any competitor without any public interest. Without hearing the third party in the first instance itself the PIO decided to furnish the information which is against law.</p> <p>The petitioner reserve his right to raise additional grounds if any at the time of hearing.</p>
8	<p>Verification by the Appellant ;</p> <p>I, <u>S. Jegatheesan</u>, Managing Director, Transworld Garnet India Private Limited, Palayamkottai High Road, Kuttudankadu Village, Tuticorin – 628 103 Tamilnadu State do hereby declare that the information furnished above are true to the best of our knowledge.</p>
9	<p>Any other Information which the commission may deem necessary for deciding the appeal.</p> <p>The main aim of the Right to Information Act is in order to promote transparency and accountability in the working of the every public authority. This is a statutory function of the public authority. Hence the information may kindly furnished to the appeal petitioner.</p>



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Date: 11.11.2016

To

The Deputy Development Commissioner / CPIO,
Office of the Development Commissioner,
Madras Export Processing Zone (MEPZ)
Administrative Office Building,
National Highway-45,
Tambaram, Chennai - 45

~~RTI APPLICATION~~

Dear Sir,

Sub : Notice under section 11 of RTI act filed by
D.Dayadevadas – objection submitted – reg.

Ref : Your letter F.No. RTI/249/2016-17/3914 dated 6.10.16
(addressed to our two units)

I received your above letter on 10.10.2016. You have called upon us to submit objection if any to furnish information pertaining to our SEZ unit to D.Dayadevadas, President, Federation of Indian Placer Mineral Industries, Chennai.

Mr.Dayadevadoss is doing the same garnet business in the name Indian Garnet Sand Company and Southern Enterprises. They are our business competitors. We have business rivalry from the year 1988 itself.

If any of the information is furnished to our competitors, definitely it will affect our business as, he will misuse the same. The RTI Act cannot be permitted to make revenge to the business competitors. There is no public interest. This is completely personal information relating to our company, which has no relationship to any public interest and furnishing the same would



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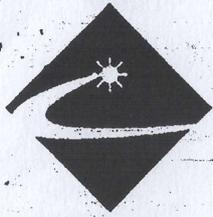
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cause unwarranted invasion of privacy and there is no larger public interest to furnish the same to our business competitors. Hence this cannot be furnish under section 8(1)(j) of the RTI Act.

Earlier also, this applicant requested certain information relating to us which will affect our business competitiveness from Govt., of India, Ministry of Mines, Indian Bureau of Mines which was negative by the GPIO and his second appeal before the Central Information Commission was also dismissed vide CIC.F.No.CIC/AT/A/2006/00443 dated 13.12.2006 and vide CIC.F.No.CIC/AT/A/2006/00494 dated 4.4.07 and vide order in case no. CIC/AT/A/2007/00391 dated 14.6.07. The CIC also endorsed that *"it seems, an on going business rivalry with 3rd party is prompting appellant to resort to such tactics"*. This is also one of the method to steal our trade secret which has to be rejected. I have already enclosed Xerox copy of the above 3 orders of the Central Information Commission in response to your letter No. 78/RTI/2013-14-874 dated 21.3.14 along with our letter dated 30.03.2014.

For your information, while dismissing the 2nd appeal of the petitioner the honorable Central Information Commission vide F.No. CIC/AT/A/2008/00948 dated 31.12.2008 has mentioned that the *"commission concurs in the submission of the respondent and the third party. They have rightly pointed out that this appellant has, with unusual tenacity and persistence, attempted to lay his hands on commercial information pertaining to the third party, with the purpose that does not seem to be bonafide. There is unmistakable indication of appellant trying to get this*



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information to harm the interests of the third party, with whom he seems to be in competition. It is sad that RTI Act is being used for purposes such as this”.

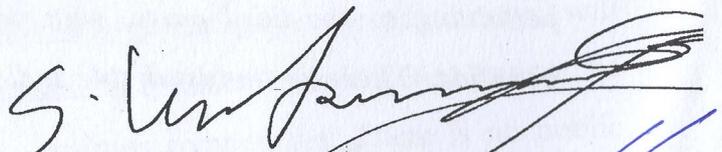
The above will clearly establish that the business competitors cannot be encouraged by furnishing the information submitted by other traders which is prohibited under section 8(1)(j) of RTI Act.

I therefore request your goodself, please don't furnish any of the information to Mr. Dayadevadas. Furnishing the above information will definitely affect our business. It cannot be furnished to our competitor even according to section 8(1)(j) of RTI Act.

For the above mention reasons, we strongly object for furnishing the information to the petitioner in respect of V.V. Mineral. I also request you sir, the order passed by you may kindly be forwarded to us under section 11(3) of the RTI Act by giving time to file appeal.

Thanking you

Yours truly,


S. Vaikundarajan

 Government of India	Government of India Ministry of Commerce & Industry Office of the Development Commissioner Admin Office Building, MEPZ – Special Economic Zone, National Highway – 45, Tambaram, Chennai - 600 045 Fax: 044 2262 8218, Email Id: dcc@mepz.gov.in
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File No. RTI/249/2016-17

15135

Dated: 24-10-2016

To

1. Transworld Garnet,
 Mangalagiri Village,
 Palavamkottai High Road,
 Opp: Tuticorin Airport,
 Tuticorin – 628103

CPIO REPLY

2. Transworld Garnet,
 New No: 34, Old No: 46, MGR Road,
 Kalashetra Colony,
 Besant Nagar,
 Chennai – 600090

Sub: Notice under Section 11(3) of the RTI Act on the application filed by
 Shri. Dr.D.Dhaya Devadas -Reg.

Please refer to the notice under Section 11(1) of the Act dt. 06/10/2016 and reply dt. 11/11/2016 furnished by you

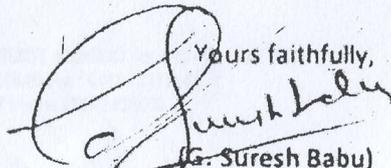
2. On examination of the objections, raised by you to furnishing of your para wise comments to the letter dt. 25/02/2016 and e-mail dt. 12/04/2016 of Shri. Dr.D.Dhaya Devadas, it is observed that the para wise comments furnished by you does not contain any details, which can be considered as commercial confidence, trade secrets or intellectual property, the disclosure of the which should harm the competitive position of third party.

3. Therefore, I don't find any reason to deny the information sought by RTI applicant. Hence, it has been decided to furnish information (para wise comments) to the RTI applicant.

4. This ^{letter} is issued under Section 11(3) of the RTI Act. However, if you are aggrieved with this decision, you may prefer an appeal with the 1st Appellate Authority detailed below within 30 days from the date of receipt of this letter

Shri. D. Anandan, I.A.S.
 Joint Development Commissioner,
 MEPZ-Special Economic Zone,
 N.H. 45, Tambaram, Chennai-600 045.
 Tel-22628233

ACCOUNTS	UNIT HEAD	ADMIN	TRANSPORT
	TRANSPORLD GARNET INDIA		

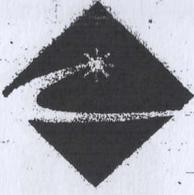
Yours faithfully,

 (G. Suresh Babu)

CPIO / Deputy Development Commissioner

COVER	PRIVATE LIMITED, TUTICORIN		STORE
	ENGG.	PRODN.	

Copy To:-

Shri. Dr.D.Dhaya Devadas, Door No: 12/627, 7th Street, Veerabathran Nagar, Mambakkam
Main Road, Medavakkam, Chennai- 600 100 W.r.to his letter No. RTI/DDD-08/5736/2016-17 dt.
29.09.2016 for information please.



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FIRST APPEAL



TGI/MDS/069/2016-17

December 01, 2016
November 17, 2016

Shri D Anandan, L.A.S,
The Joint Development Commissioner
MEPZ – Special Economic Zone
N H 45, Tambaram,
Chennai – 600 045.–



Respected Sir,

Sub: Appeal under section 19(1) of RTI Act - Reg.

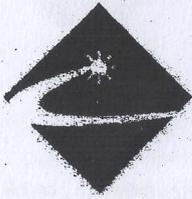
- Ref: 1 PIO letter, File No. RTI/249/2016-17/3914 dated 06.10.2016
(addressed to our two units)
2 Our objection letter dated 11.11.2016
3 Order of the CPIO in File No. RTI/249/2016-17/5138 & 5139 dated
24.10.2016 (addressed to our two units)

We wish to bring to your kind attention the fact that in the letter 1st referred above, the CPIO issued notice under section of 11 of RTI Act informing that Mr D Dhayadevadas has filed an application with the CIPO to supply the copy of para-wise comments received from 100% EOU and SEZ for the two letters referred under reference 1 & 2.

In the letter 2nd referred above, we have submitted our objection pointing out the enmity and passed information commission decision, etc., and requested not to furnish the information in respect of our units to our competitor.

In the letter 3rd referred above, the CPIO has decided to furnish the information, para-wise comments furnished by the us to the petitioner, Dhaya Devadas and informed under section 11(3) of RTI Act.

Hence we are filing the first appeal against the decision of the CPIO, 3rd referred above.



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Mr Dhya Devas is doing the same garnet business in the name Indian Garnet Sand Company and Southern Enterprises. They are our business competitors. We have business rivalry from the year 1988 itself.

If any of the information is furnished to our competitors, definitely it will affect our business, as he will misuse the same. The RTI Act cannot be permitted to make the revenge to the business competitors. There is no public interest. This is completely personal information relating to our company, which has no relationship to any public interest and furnishing the same would cause unwarranted invasion of privacy and there is no large public interest to furnish the same to our business competitor. Hence this cannot be furnished under section 8(1)(j) of the RTI.

Earlier also this applicant requested certain information relating to us which will affect our business competitiveness from Govt. of India, Ministry of Mines, Indian Bureau of Mines which was negative by the CPIO and his second appeal before the Central Information Commission was also dismissed, vide, CIC, F.No.AT/A/2006/00443 dated 13.12.2006 and vide CIC, F.No.AT/A/2006/00494 dated 04.04.2007 and vide order in case No.CIC/AT/A/2007/00391 dated 14.06.2007. The CIC also endorsed that *"it seems, an on going business rivalry with 3rd party is prompting appellant to resort to such tactics"*. This is also one of the method to steal our trade secret which has to be rejected. We have already enclosed Xerox copy of the above 3 orders of the Central Information Commission.

While dismissing the 2nd appeal of the petitioner the Honourable Central Information Commission vide, F.No.CIC/AT/A/2008/00948 dated 31.12.2008 has mentioned that the *"Commission concurs in the submission of the respondent and the third party. They have rightly pointed out that this appellant has, with unusual tenacity and persistence, attempted to lay his hands on commercial information pertaining to the third part, with the purpose that does not seem to be benafide. There is unmistakable indication of appellant trying to get this information to harm the interests of the third part, with whom he seems to be in competition. It is said that RTI Act is being used for purposes such as this"*.

Registered Office : New No.14, Old No.500, 3rd Floor, Pantheon Road, Egmore, Chennai - 600 008. Tel : 91 - 44 - 28512252, 42150887, 42018887 Fax : 91 - 44 - 28512251

Factory : Palayamkottal High Road, Kuttudankadu Village, Tuticorin - 628 103. (TN) Phone : 0461-2271519, 2271520 Fax : 0461 - 2271541

Project Office : 14-9-136/2A, Dhandi Street, C.B.Road, Srikakulam - 532 001.(AP) Telefax : 08942-225772 Phone 08942-229098

CIN : U93990TN1995PTC32459



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The above will clearly establish that the business competitors cannot be encouraged by furnishing the information submitted by other traders which is prohibited under section 8(1)(g) of RTI Act.

Moreover the para-wise remarks are furnished to your goodself with a fiduciary relationship. It also contains commercial confident, Trade secret and the intellectual property disclosure of the same will harm the competitive position of us. A competitor cannot be permitted to harm our business in the name of public interest. Hence we are filing the first-appeal. Copy of the letters referred above are attached herewith.

In the light of the above we request your goodself that our appeal may kindly be allowed and the request of the petitioner may be rejected in respect of our units.

Thanking you.

Yours faithfully,

For Transworld Garnet India Private Limited

Stephen David

GOVERNMENT OF INDIA
 MEPZ-SPECIAL ECONOMIC ZONE
 MINISTRY OF COMMERCE & INDUSTRY
 ADMN. OFFICE BUILDING,
 N.H.45, G.S.T. ROAD,
 TAMBARAM,
 CHENNAI-600 045.

FIRST APPELLATE ORDER

5489

Appeal No.RTI Appeal 267/2016-17

Date of Decision:2nd December 2016.

Name of the Appellant: M/s. Transworld Garnet India Private Limited,
 Palayamkottai High Road, Kuttudankadu Village,
 Tuticorin-628 103.

Name of the Public Authority: CPIO, O/o Development Commissioner, MEPZ Special Economic
 Zone, Ministry of Commerce, Admn. Office Building, N.H.45,
 G.S.T. Road, Tambaram, Chennai-600 045.

DECISION OF THE FIRST APPELLATE AUTHORITY

An application under RTI Act, 2005 seeking copies of parawise comments received from 100% EOUs and SEZs in response to letters received from the Federation of Indian Placer Mineral Industries (FIPMI) was received by CPIO, O/o DC, MEPZ on 3rd October 2016 from one Dr.D. Dhaya Devadass, President, Federation of Indian Placer Mineral Industries, hereinafter referred to as the Applicant.

M/s. Transworld Garnet India Private Limited, Palayamkottai High Road, Kuttudankadu Village, Tuticorin, hereinafter referred to as Appellant, was also one of the 100% EOUs, who had submitted parawise comments in response to the letters of Federation of Indian Placer Mineral Industries. Since the above information sought by the applicant is "third party information" under section 11 of the RTI Act, 2005, the CPIO issued a notice vide letter No.RTI/249/2016-17 dated 6.10.2016 to the Appellant conveying his intention to disclose the above information to the applicant and gave an opportunity to the appellant to make any representation against the proposed disclosure.

The Appellant vide his reply dt.11.11.2016 (which was actually received by the CPIO on 17.10.2016 itself) to the Notice issued by the CPIO under Section 11 (1) of the RTI Act, objected to the furnishing of information to the applicant. After considering the reply given by the Appellant, the CPIO had decided to disclose the information to the applicant and accordingly issued a Notice under Section 11(3) of the RTI Act to the Appellant vide letter RTI/249/2016-17 dated 24.10.2016 conveying his decision to furnish the information to the applicant.

ACCOUNTS	UNIT HEAD	ADMIN	STORES QA TRANSPORT
	TRANSWORLD GARNET INDIA		
COMMIL.	1774		STORES QA TRANSPORT
	07 DEC 2016		
	PRIVATE LIMITED, TUTICORIN		
	ENGG.	PRODN.	

Aggrieved by the decision taken by the CPIO, the Appellant has filed an appeal before me under Section 19(1) of RTI Act, 2005 vide its letter dt.1.12.2016. Though this appeal should have been filed under Section 19(2) of the RTI Act, I hereby condone the error committed by the appellant in mentioning it as Section 19(1) of the RTI Act, in the interest of transparency and fairness.

The pertinent points raised by the appellant in his appeal are as follows:-

- (a) That the applicant is doing the same garnet business in the name Indian Garnet Sand Company and Southern Enterprises, that they are business competitors to the Appellant and that they have business rivalry from the year 1988 itself.
- (b) That if any of the information is furnished to their competitors, it will definitely affect their business as the applicant will misuse the same.
- (c) That the RTI Act cannot be permitted to revenge to the business competitors.
- (d) That there is no public interest
- (e) That this is completely personal information relating to the Appellant Company which has no relationship to any public interest and furnishing the same would cause unwarranted invasion of privacy.
- (f) That there is no larger public interest to furnish the information to the Appellant's business competitors and therefore, the information cannot be furnished under Section 8 (1) (j) of the RTI Act, 2005.
- (g) That the applicant had earlier requested for certain information relating to the Appellant from Ministry of Mines, Government of India, that the Ministry of Mines had rejected to furnish the information under RTI Act and the second appeal filed by the applicant before the CIC was also dismissed by the Commission.
- (h) That the parawise remarks were furnished to this office by the Appellant with a fiduciary relationship.
- (i) That the information also contains commercially confident, trade secrets and intellectual property, the disclosure of which will harm the competitive position of the Appellant.
- (j) That for the aforementioned reasons, the Appeal should be allowed and the request of the applicant should be rejected in respect of other firms.

I have gone through all the submissions and grounds of the appeal of the Appellant. On the basis of the submissions made by the Appellant, the issue to be considered is whether the information sought by the applicant is exempted from disclosure under section 8 of the RTI Act, 2005.

The parawise comments furnished by the Appellant in response to the letters of FIPMI, the copies of which are now being asked by the applicant under RTI, were examined. It is found that the

parawise reply given by the Appellant vide letter dated 26.09.2016 does not contain any data or statistics or production flow chart or drawings or formulae or any other facts that can be categorised as commercially confidential matters or trade secrets or intellectual property. The reply given by the Appellant is very general in nature, which is seen as more of an attempt to refute the allegations made by FIPMI against the Appellant's Units. Therefore, I do not find any reason as to why the parawise reply filed by the Appellant should not be furnished to the applicant since the parawise comments have nothing to be categorised as information which is commercially confidential, trade secret and intellectual property, the disclosure of which would harm the competitive position of the Appellant. The opinions expressed by the Appellant in the parawise reply and the stand he has taken against the allegations raised by FIPMI in its letters cannot be considered to be a closely guarded business secret. Therefore, I am of the opinion that the information sought by the applicant are not exempted from disclosure under Section 8 of the RTI Act, 2005 and that the CPIO is right in taking a decision to disclose the information sought by the applicant.

Therefore, I hereby direct the CPIO of/O/o DC, MEPZ to furnish the information to the applicant immediately after the expiry of the stipulated period available for the Appellant to go on appeal before the Second Appellate Authority against this decision.

If the Appellant is not satisfied with this decision, he may prefer an appeal with the Second Appellate Authority whose address is given below within 90 days from the date of receipt of this decision.

**Central Information Commission,
II Floor, C Wing,
August Kranti Bhavan,
Bikaji Cama Place,
New Delhi-110 006.**

Shankar Dey
2/12/16

(D. ANANDAN)

FIRST APPELLATE AUTHORITY-cum-
JOINT DEVELOPMENT COMMISSIONER

To

✓ M/s. Transworld Garnet India Private Limited,
Palayamkottai High Road,
Kuttudankadu Village,
Tuticorin-628 103.

Copy to: Deputy Development Commissioner/CPIO, MEPZ Special Economic Zone, Tambaram,
Chennai-600 045.

INDEX

S.No.	Date	Contents
1	06.10.2016	CPIO letter
2	11.11.2016	Reply to CPIO
3	24.10.2016	CPIO reply
4	01.12.2016	First appeal filed by the appellant.
5	02.12.2016	Appellate Authority letter

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CENTRAL INFORMATION COMMISSION

F.No.CIC/AT/A/2006/00443
Dated, the 13th December, 2006.

Appellant : Dr.D.D. Devadas, 1A, First Floor, Prasad Street, Secthapatly Nagar, Velachery, Chennai - 600 042.

Respondents : Shri V.M. Prabhushettar, Regional Controller of Mines & OCI(SZ), CPIO, Indian Bureau of Mines, 29, Industrial Suburbs, II Stage, Tiitukur Road, Goruguntapalayam, Bangalore-560 022.

Shri C.S. Gundewar, Chief Ore Dressing Officer & Appellate Authority, Indian Bureau of Mines, IInd Floor, 'B' Wing, - Indira Bhawan, Civil Lines, Nagpur-440 001.

This is an appeal filed by Dr.D.D.Devadas, who has called himself 'Founder President' of the Federation of Indian Placer Mineral Industries, against the order dated 1.6.2006 of the Appellate Authority (AA), Shri C.S.Gundewar, Chief Ore Dressing Officer, Indian Bureau of Mines.

2. Brief facts of the case are that the appellant filed a petition dated 15.3.2006 before the CPIO, Shri V.M. Prabhushettar, Regional Controller of Mines & OCI(SZ), Indian Bureau of Mines requesting the following 6 items of information:-

We now request you to furnish following details - mining plan-wise:-

1. Govt. issued precise area letter No.
2. BM mining plan approved letter No.
3. Total precise area, with S.F.Nos. village, Taluk and District
4. Total in-situ Reserve, Renewable reserve for Garnet, Ilmenite, Zircon, Rutile etc. as per the Mining Plan.
5. Depth allowed for mining.
6. Also indicate permitted for manual mining or mechanize mining."

3. The CPIO, through his communication dated 13.4.2006 rejected the request to disclose the information under Section 8(1)(d) of the RTI Act after consulting the third party, M/s.V.V. Minerals. Thereafter, the appellant filed his first appeal dated 10.5.2006 before the AA, who passed an order dated 1.6.2006 authorizing disclosure of all information except information at Sl.No.4 & 5, as in the estimation of the AA, their disclosure would compromise the commercial interest of a third party, which had vigorously contested disclosure of this information to the appellant.

4. Parties were called for a hearing on 11.12.2006. The appellant was called and was absent, the third party - Shri V.Vaikundarajan, Managing Partner of M/s V.V.Minerals and Shri R. Anand Padmanabhan were present while the respondents were represented by the AA and the CPIO.

3/2/17

5. The third party, Shri Vaikundarajan and Shri Anand Padmanabhan filed a detailed rejoinder, in which they argued that the Mining Plans requested by the appellant pertain to the third party. A Mining Plan is prepared taking into account the location of the mine, its depth, the methodology for mining, environmental issues and so on. The parties who prepare these Mining Plans keep this information as a closely guarded secret lest it may be misused by competitors and others to the detriment of the original party. The elements of the Mining Plan go into the Mining Lease application, which are submitted for consideration of the competent authority. No party involved in a commercial transaction would ever want that the information which was given in trust and in confidence to a competent authority to enable them to arrive at a decision about awarding the Mining Lease should fall into the hands of competitors or other unconnected persons or organizations. They have pointed out that the appellant is not only the neighbour of the third party, but also their competitor in business. The intention of the competitor was to poach into the privileged information in order to make use of it to hurt the competitive business interest of the third party. They have also pointed out that in order to prove their point that such vital information constitute trade secrets and should not be disclosed to a third party, they had filed an RTI-request for similar information in respect of the present appellant. At that time, the appellant himself took the plea that this information should not be disclosed under the exemption clause of the RTI Act.

6. Before I take up the matter agitated in this appeal, it is important to dispose of the question of the locus standi of the appellant to file for such information. It is seen that the appellant styles himself as President of Federation of Indian Placer Mineral Industries.

7. This Commission has consistently taken the view that the right to seek information under the RTI Act exclusively belongs to citizens and not to corporate entities. From that point of view, this appeal needed to be summarily rejected. However, considering the fact that it has already reached the Commission, after going through the CPIO and the AA, I have chosen to treat this appeal as filed by the appellant in his personal capacity, and the name of the corporate entity as been given only for the purpose of address for receipt and dispatch of communication.

8. About the merits of the case, there is very little doubt that what the appellant is asking for at SLNo.4 and 5 of his RTI-request is commercial information in respect of the third party, M/s.V.V. Minerals. The third party have represented quite persuasively how the information requested by the appellant is not only commercial, but also involves exclusive R&D effort of the third party as well as the innovations and management techniques. Disclosure of such information in the name of some vague concept of probity will be hurtful and detrimental to the commercial interest of the third party. Section 8(1)(d) of the RTI Act very clearly bars disclosure of information coming under this category.

9. The AA also endorsed the submission of the third party.

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10. In consideration of the material before me and after hearing the third party, M/s. V.V. Minerals and the respondents, it is my considered view that the disclosure of information as contained in Sl.No.4 and 5 of the RTI-request of the appellant attract the exemption of Section 8(1)(d) and is, therefore, barred from disclosure. There is no obligation on the part of the public authority to disclose this information.

11. The appeal is rejected.

Sd/-
(A.N. TIWARI)
INFORMATION COMMISSIONER

Authenticated by -

Sd/-
(NISHA SINGH)
Joint Secretary & Additional Registrar

Address of parties:

1. Dr.D.D. Devadas, 1A, First Floor, Prasad Street, Seethapathy Nagar, Velachery, Chennai - 600 042.
2. Shri V.M. Prabhushettar, Regional Controller of Mines & OCI(SZ), CPIO, Indian Bureau of Mines, 29, Industrial Suburbs, II Stage, Tumkur Road, Goruguntapalayam, Bangalore-560 022.
3. Shri C.S. Gundewar, Chief Ore Dressing Officer & Appellate Authority, Indian Bureau of Mines, Und Floor, 'B' Wing, Indira Bhawan, Civil Lines, Nagpur-440 001.

True copy

[Signature]
11/10/07
D. S. NEGI
Principal Private Secretary
Central Information Commission
Government of India
New Delhi



Government of India
Ministry of Commerce & Industry
Office of the Development Commissioner
Admin Office Building, MEPZ – Special Economic Zone,
National Highway – 45, Tambaram, Chennai - 600 045
Fax:044 2262 8218, Email Id: dcc@mepz.gov.in

RECEIVED ON: 10/10/16
REF NO: 111/43

File No. RTI/249/2016-17 | 3914

Dated: 06 -10-2016

To

SPEED POST

1. Transworld Garnet,
Mangalagiri Village,
Palayamkottai High Road,
Opp: Tuticorin Airport,
Tuticorin – 628103.

2. Transworld Garnet,
New No: 34, Old No: 46,
MGR Road,
Kalashetra Colony,
Besent Nagar,
Chennai – 600090.

Sir,

Sub: Notice under the section 11 of the RTI Act on the application filed by
Shri. Dr.D.Dhaya Devadas -Reg.

Whereas Shri. Dr.D.Dhaya Devadas resident of Door No: 12/627, 7th Street,
Veerabathran Nagar, Mambakkam Main Road, Medavakkam, Chennai- 600 100 has filed an
application with the undersigned under the RTI Act, 2005 to supply the following information
under public record pertaining to you :

Information sought:

Copies of the Para wise Comments received from the 100% EOUs and
SEZs for the 2 letters referred under reference 1 & 2. (ie.)

- (i) Our Federation letter No. FIPMI/ADMIN/MEPZ/1-10/056/2015-16
dated 25.02.2016.
- (ii) Our Federation letter No. FIPMI/ADMIN/MEPZ/1-10/070/2016-17
dated 12.04.2016.

2. And whereas the undersigned intends to disclose the above information to the
applicant.

3. Now therefore you are hereby called upon to make your submissions in writing, as per section 11 of the Act, as to where the information /records asked for by the applicant should be disclosed or not.

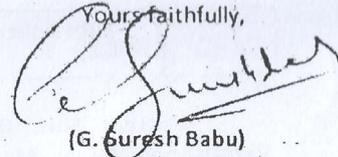
4. The submission or representation against the proposed disclosure should be made by you within ten days from the receipt of this notice, failing which the undersigned will take decision in the matter in accordance with the provisions of the Act, without giving any future notice.

As per the Section 19 of the Right to Information Act, 2005 you may prefer an appeal to the First Appellate Authority within 30 days, whose particulars are given below:-

Name and Address of First Appellate Authority:

Shri. D. Anandan, I.A.S.
Joint Development Commissioner,
MEPZ-Special Economic Zone,
N.H. 45, Tambaram, Chennai-600 045.
Tel-22628233

Yours faithfully,



(G. Suresh Babu)

CPIO / Deputy Development Commissioner
Central Public Information Commissioner

Copy To:-

Shri. Dr.D.Dhaya Devadas, Door No: 12/627, 7th Street, Veerabathran Nagar,
Mambakkam Main Road, Medavakkam, Chennai- 600 100 W.r.to his letter No. RTI/DDD-
08/5736/2016-17 dt. 29.09.2016 for information please.

भारतीय डाक



India Post

RLAD TISAIYANILAI <627657>

A RT726760232IN

Counter No:1, CP-Code:08

To:G.SURESH BABU,CPTD.,/DEPUTY DEVELD

Tambaram H.O, PIN:600045

From:TRANSMORLD GARNET INDIA P LTD , KUTTUDANKADSU

Wt:95grams,

Amt:45.00 ,21/12/2016 ,13:40

<<Track on www.indiapost.gov.in>>

भारतीय डाक



India Post

RLAD TISAIYANILAI <627657>

A RT726760229IN

Counter No:1, CP-Code:08

To:D.ANANDAN .I.A.S.,JOINT DEVELOPEMENT C

Tambaram H.O, PIN:600045

From:TRANSMORLD GARNET INDIA P LTD , KUTTUDANKADSU

Wt:95grams,

Amt:45.00 ,21/12/2016 ,13:41

<<Track on www.indiapost.gov.in>>

REF: RTI/DDD-08/5736/2016-17

From

Date: 29.09.2016

Dr. D. Dhaya Devadas,
RTI Activist and President,
Federation of Indian Placer Mineral Industries,
Door No. 12/627, 7th Street, Veerabathran Nagar,
Mambakkam Main Road, Medavakkam, Chennai - 600 100.

To

The Central Public Information Officer &
Assistant Development Commissioner,
Madras Export Processing Zone,
National Highway, Tambaram, Chennai - 600 045.

Dear Sir,

Sub : Calling for the Parawise Comments from the 100% EOUs in Tamil Nadu on the allegation mentioned in 2 representations of our Federation dated 25.02.2016 & 12.04.2016.

Ref: 1. Our Federation letter No. FIPMI/ADMIN/MEPZ/1-10/056/2015-16 dated 25.02.2016.
2. Our Federation letter No. FIPMI/ADMIN/MEPZ/1-10/070/2016-17 dated 12.04.2016.
3. Your letter No. F.No.A/2010/03/EOU/TN/3717 dated 16.09.2016.
4. Your letter No. F.No.A/2010/03/EOU/TN/3720 dated 16.09.2016.

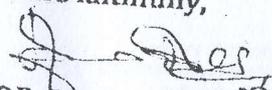
With reference to the above, we request you to kindly furnish the following information under RTI Act, 2005 :

1. Copies of the correspondences that you have received from the Ministry of Industries and Commerce related to the complaints made by our Federation and others on 100% EOUs in Tamil Nadu.
2. Copies of the Parawise comments received from the 100% EOUs and SEZs for the 2 letters referred under reference 1 & 2.

We have enclosed herewith an Indian Postal Order bearing No. 35F 263659 dated 27.05.2016 for Rs.10/- in favour of Madras Export Processing Zone, Chennai towards the prescribed fee under Rule 3 of the Right to Information (Regulation of fee and cost) Rules, 2005 for the same.

Thanking you,

Yours faithfully,


(DR. D. DHAYA DEVADAS)