

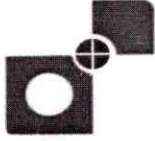
MESSAGES(S)

lia Government Mint, Noida

Role : Appellate Authority

User : Prakash Kumar

Registration Number ' IGMNO/A/E/25/00003.' is Disposed of Successfully. (पंजीकरण संख्या सफलतापूर्वक निपटायी ग



भारत सरकार टकसाल, नोएडा (उ.प्र.)  
INDIA GOVERNMENT MINT, NOIDA (U.P.)

(ISO 9001-2015 / ISO 14001-2015 / ISO 45001-2018 प्रमाणित इकाई / Certified Unit)

भारत प्रतिभूति मुद्रण तथा मुद्रा निर्माण निगम लिमिटेड की इकाई  
A Unit of Security Printing and Minting Corporation of India Limited  
(भारत सरकार के पूर्ण स्वामित्वाधीन / Wholly owned by Govt. of India)

मिनीरत्न श्रेणी - I, सीपीएसई / A Miniratna Category - I CPSE  
डी-2, सेक्टर-1, नोएडा (उ.प्र.)-201301 / D-2, Sector-1, NOIDA (U.P.) - 201 301



आज़ादी का  
अमृत महोत्सव

GSTIN : 09AAJCS6111J1Z6  
CIN : U22213DL2006GOI144763

ई-मेल / E-mail : igm.noida@spmcil.com

Phone : 0120-4783116  
Fax : 0120-2537609

वेबसाइट / Website : http://igmnoida.spmcil.com

फा. सं. NM/RTI/FAA/2025-26/311

दिनांक: 08.08.2025

**ORDER**

**Sub.: First Appeal received from Shri Harish Kachroo under Right to Information Act, 2005**

- Ref.: (1) RTI Request No. IGMNO/R/T/25/00022 dated 18.05.2025  
(2) CPIO's Reply vide letter No. NM/RTI-PIO/2024-25/370 dated 04.07.2025  
(3) Appeal Ref. No. IGMNO/A/E/25/00003 dated 09.07.2025

**(I) Detail of RTI request, reply given by PIO & grounds for making this Appeal:**

Shri Harish Kachroo, R/o Plot 9, Gali 4E, Sarurpur Industrial Area, Ballabhgarh, Haryana-121005 has filed above referred Appeal under Section 19 (1) of the RTI Act, 2005 through online portal stating that the PIO of this department has refused access to information requested and furnished incomplete information to him.

2. The appellant has mentioned that his requests/queries are not interrogative or reasoning-based. He reiterated that he is seeking only recorded, factual-based administrative material which falls within the definition of information under RTI Act. He further described that he has requested information related to justification and documentation for change in technology which contains certified copies of any technical committee reports, internal memos, emails, or meeting minutes that discuss the change in printing technology, record merits/demerits of the proposed change, closure report for the 2020 EOI or comparing 2020 to 2022 specification. He further added that above information comes under the purview of definition of information under Section 2 (f) of RTI Act, 2005. He further requested to provide the name & designation of technical evaluation committee constituted at unit level which deliberated and recommended the cancellation of PO no. 4520002041. In addition to above, the Appellant also wishes to get the information related to certified copies of procurement plan and alternate proposals recorded between 16 November 2022 to 31<sup>st</sup> January, 2025 for Excise Adhesive Level Printing Machine. Concluding the appeal, he also mentioned that denial of above on the ground of interrogative query is legally untenable under Section 2 (f) of RTI Act.

**(II) Observation of RTI Request, Appeal & Reply given by the PIO:**

3. It is observed that RTI request dated 18.05.2025 was received by the PIO of this department through RTI Portal wherein applicant had requested numerous information/documents pertaining to EOI and Tender floated by IGM, Noida for procurement, installation and commissioning of EAL Printing Machine. In response to this PIO after obtaining the available information/documents from the concerned section of this department (Purchase Section) furnished the information/documents to the Applicant (Appellant herein) vide letter dated 04.07.2025 after receiving the requisite fee applicable for providing the documents under RTI Act from the Applicant.

4. It is also observed that the PIO has provided point wise reply and furnished all available information/documents as sought by the Applicant in Point No. 1 (a) to (f) & 2 (a) to (h) under the provision of RTI Act apply the severability clause by eliminating/concealing the personal as well as information related to commercial confidence/trade secret. It is further noted that some queries sought by the applicant in his RTI request have been denied on the ground of interrogative/not covered under 'information' under Section 2(f) of RTI Act, 2005. The applicant has been provided information and documents (total 326 pages) containing copies of EOI documents, Tender

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8/8/25

documents, correspondence, minutes of meetings, emails etc. pertaining to process from inviting the EOI /Tender to till cancellation of the procurement order and forfeiting the security deposit based on failure to comply the obligations of terms and conditions of contract agreement.

On the other hand, the Appellant has shown dissatisfaction by stating the information denied by the PIO is covered under the definition of 'information' under section 2(f) of the RTI Act, 2005.

**(III) Decision of the Appellate Authority:**

5. The undersigned is of the view that the Public Information Officer has replied the RTI request of the Appellant by furnishing the all-available information under the RTI Act, 2005. Further, the information denied by the PIO is related to seeking clarification/reason/justification and are not covered under the purview of information of RTI Act. The Applicant has requested additional information in his appeal regarding proposals/plans made during 2022 to 2025 and utilized in the decision taking cannot be considered as being no part of RTI request. Further, PIO or concerned department are not an information creator according to requirement of the Applicant and they both have provided available information as per the RTI Act. Hence, I do not find any shortcoming in the reply given by the PIO of this department and find it appropriate and just for the purpose of disclosure of information to public under RTI Act, 2005 and various CIC orders on the subject matter. Accordingly, this appeal stands disposed.

**(IV) Information of 2<sup>nd</sup> Appeal:** In case, you are not satisfied with the decision of the undersigned, you may submit an appeal to 2<sup>nd</sup> Appellate Authority (Chief Information Commissioner, New Delhi), within ninety days from the date of receipt of this letter.

*Prakash Kumar*  
(प्रकाश कुमार) 8/8/25

संयुक्त महाप्रबन्धक (मानव संसाधन)  
एवं प्रथम अपीली प्राधिकारी

प्रति:

Shri Harish Kachroo, R/o Plot 9, Gali 4E, Sarurpur Industrial Area, Ballabgarh, Haryana-121005  
(To be uploaded in Portal)

प्रतिलिपि-सूचनार्थ । : श्री हीरा मणि सुयाल, उप प्रबन्धक(राजभाषा) एवं लोक सूचना अधिकारी, भारत सरकार  
टकसाल, नोएडा ।


03

## RTI Request &amp; Appeal Management Information System(RTI-MIS)

HOME SEARCH ASSESSMENT MASTER UPDATION ANNUAL RETURN UTILITIES REPORT LOGIN HISTORY  
 LOGOUT

## UPDATE ONLINE APPEAL

Public Authority: SPMCIL - India Government Mint, Noida Role : Nodal Officer User : VAISHNAVI SONKAR

RTI Appeal No.	IGMNO/A/E/25/00003	<a href="#">Click here to print appeal</a>
RTI Request Registration No.	IGMNO/R/E/25/00022	
RTI Request Registration Date	18-05-2025	
<b>Personal Details:-</b>		
Name	harish kachroo	
Gender	Male	
Address	plot 9 gali 4e sarurpur industrial area ballabhgar ballabhgarh haryana	
Pincode	121005	
Country	India	
State	Haryana	
Status	Urban	
Educational Status	Literate	
Educational Degree		
Phone No.	+91-8527582731	
Mobile No.	+91-8527582731	
Email-ID	roffset@gmx.net	
<b>Appeal Details :-</b>		
Citizenship	Indian	
Is the Requester Below Poverty Line	No	
Does it concern the Life or Liberty of a Person	Details not provided	
Ground For Appeal	Refused access to Information Requested	
CPIO of Public Authority approached		
Concerned Appellate Authority	Details not provided	
CPIO's Order/Decision No.	Details not provided	
CPIO's Order/Decision Date	Details not provided	
Prayer or Relief Sough	sir, information is missing and incomplete	
Appeal document		
* Select an Action	---Please Select---	
<input type="button" value="Print"/> <input type="button" value="Reset"/> <input type="button" value="Submit"/>		

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 Com  
 Attach

03  
2025-26

RTI APPEAL DETAILS			
<b>RTI Appeal Registration No. :</b>	IGMNO/A/E/25/00003	<b>RTI Appeal Received Date :</b>	09/07/2025
<b>RTI Request Registration No. :</b>	IGMNO/R/E/25/00022	<b>RTI Request Registration Date :</b>	18/05/2025
<b>Name :</b>	harish kachroo	<b>Gender :</b>	Male
<b>Address :</b>	plot 9 gali 4e sarurpur industrial area ballabgharballabgharh haryana		
<b>Pin Code :</b>	121005		
<b>State :</b>	Haryana	<b>Country :</b>	India
<b>Phone :</b>	+91-8527582731	<b>Mobile No :</b>	+91-8527582731
<b>Email :</b>	rotoffset@gmx.net		
<b>Status :</b>	Urban	<b>Educational Status :</b>	
<b>Citizenship :</b>	Indian	<b>Is Appellant below poverty line ? :</b>	No
<b>CPIO of Public Authority Approached :</b>	30295	<b>CPIO's Order/Decision Date :</b>	Details not provided
<b>CPIO's Order/Decision No. :</b>	Details not provided		
<b>Ground For Appeal :</b>	Refused access to Information Requested		
<b>Text of RTI First Appeal :</b>	sir, information is missing and incomplete		
<input type="button" value="Print"/> <input type="button" value="Close"/>			

Under Section 6(1) of the Right to Information Act, 2005, I seek the following information:

Our requests/queries are not interrogative or reasoning-based. we reiterate that we are seeking only recorded, factual administrative material, which falls within the definition of information under Section 2(f) of the RTI Act.

**(1) Justification and Documentation for Change in Technology: 2020 vs 2022 Tender**

The 2020 EOI (Tender No. NM/220/II/541/2020-Pur) was issued for a flexographic label printing machine.

The 2022 Tender (Tender No. SPMCIL/IGM Noida/Purchase/1/22-23/ET/13) was issued for a customized hybrid offset + flexo label printing machine with a cassette system.

This is not a minor modification but a substantial change in technology and procurement parameters, which could not have occurred without formal internal discussions.

we therefore again request:

Certified copies of any technical committee reports, internal memos, emails, or meeting minutes that:

Discuss the change in printing technology;

Record merits/demerits of the proposed change;

Provide a closure report for the 2020 EOI;

Or compare 2020 vs 2022 specifications.

The refusal to clarify whether the 2022 specifications were derived from or related to the 2020 tender obstructs procedural transparency.

**(2) Basis for Disclosure under Section 2(f) of RTI Act**

As per Section 2(f) of the RTI Act, "information" includes

records, documents, memos, emails, opinions, advices, file notings, and circulars.

Any internal document – even if it reflects a “reason” or “justification” – is still a record and must be disclosed under RTI. The CIC has consistently held that recorded reasons behind administrative decisions are disclosable.

**(3) Point 1(e) & 1(f): Tender Committee and Specification Finalization**

Please provide:

The names, roles, and departments of all officials who finalized the technical specifications in the 2020 and 2022 tenders;

If no formal Tender or Specification Committee was constituted, provide internal file notings or memos indicating how the decision was taken and by whom.

**(4) Point 2(d), (g), and (h): Internal Records of Decision-Making**

In my original application, we sought certified copies of internal file notes, correspondence, and procurement plans relating to:

Derivation of 2022 specifications;

Any communication with SPMCIL Corporate Office regarding contract cancellation;

Any alternate acquisition proposal prepared or circulated.

These are not questions but requests for recorded administrative material, which fall within Section 2(f) and are supported by CIC rulings.

**(5) Point 2(e) & (f): PDI Team Constitution and Reconstitution**

Please provide:

File notings, internal orders, or memos constituting and modifying the PDI inspection teams for all four PDIs;

The reason and authority under which the team was changed after the 1st PDI;

**(6) Technical Evaluation Committee (TEC) - Names and Designations**  
Please provide:

Names, designations, and departments of all officials who were members of the Technical Evaluation Committee (TEC) at Unit-Level or any other level that deliberated and recommended the cancellation of PO No. 4520002041;

This is documented in Notes #207 to #214 of File No. IGMN-14/59/2022-IGMN-TECH-IGMN (Computer File No. 2452);

If available, please also provide a copy of the TEC constitution memo or office order.

**(7) Point 2(h): Procurement Plan and Alternate Proposals**  
As per our RTI application, we requested certified copies of:

The original procurement plan, any revised procurement plans, or alternate sourcing proposals recorded between 16 November 2022 and 31 January 2025 for Excise Adhesive Label Printing Machine.

This is a request for documented internal administrative material, not abstract reasoning. Denial on the grounds of "interrogative query" is legally untenable under Section 2(f).

With regards

Thanking you

*RTI Request & Appeal Management Information System (RTI-MIS)*

COMMENT COMMENTS RECEIVED FROM CPIO CORRESPONDENCE LETTER REPORTS UTILITY USER MANUAL LOGOUT

MESSAGE(S)

- India Government Mint, Noida

**Role :** Appellate Authority

**User :** Prakash Kumar

**registration Number 'IGMNO/A/E/25/00002.' is Disposed of Successfully.(पंजीकरण संख्या सफलतापूर्वक निपटाय गया ।**



भारत सरकार टकसाल, नोएडा (उ.प्र.)  
INDIA GOVERNMENT MINT, NOIDA (U.P.)

(ISO 9001-2015 / ISO 14001-2015 / ISO 45001-2018 प्रमाणित इकाई / Certified Unit)  
भारत प्रतिमूर्ति मुद्रण तथा मुद्रा निर्माण निगम लिमिटेड की इकाई  
A Unit of Security Printing and Minting Corporation of India Limited  
(भारत सरकार के पूर्ण स्वामित्वाधीन / Wholly-owned by Govt. of India)  
मिनिरात्न श्रेणी - I, सीपीएसई / A Miniratna Category - I CPSE  
डी-2, सेक्टर-1, नोएडा (उ.प्र.)-201301 / D-2, Sector-1, NOIDA (U.P.) - 201 301



GSTIN : 09AAJCS6111J1Z6  
CIN : U22213DL2006GOI144763

ई-मेल / E-mail : [igm.noida@spmcil.com](mailto:igm.noida@spmcil.com)

Phone : 0120-4783116  
Fax : 0120-2537609

वेबसाइट / Website : <http://igmnoida.spmcil.com>

फा. सं. NM/RTI/FAA/2025-26/219

दिनांक: 06.06.2025

**ORDER**

**Sub.: Disposal of first appeal received from Shri Vineet Lundia under Right to Information Act, 2005**

Ref.: (1) RTI Request No. IGMNO/R/T/25/00003 dated 11.04.2025  
(2) Replied by CPIO vide letter Diary No. 124 dated 09.05.2025  
(3) Appeal Ref. No. IGMNO/A/E/25/00002 dated 12.05.2025

**(I) Detail of RTI request, reply given by PIO & grounds for making this Appeal:**

Above referred Appeal has been filed in RTI Portal by Shri Vineet Lundia, R/o Royal Residency Zakaria Street Atghara Rajarhat Go Block-A, Flat-106, near Dashdrone SBI ATM, North 24 Parganas, West Bangal, Pin-700136 under Section 19 (1) of the RTI Act, 2005 wherein Appellant has stated that the PIO of this department has not furnished the information as requested by him.

2. In the RTI Appeal, the appellant has mentioned that he has not been provided proper information for point no. 1 and 2 wherein he had requested information regarding minted coins from year 1988 for denomination Rs. 1,2,5,10 & 20 and commemorative coins minted from year 1988 but he has received the reply from later years regarding coins and half reply regarding commutative coins. He further mentioned that he wants to know the mintage of copper nickel coins minted from year 1988, year wise, theme wise, denomination wise, metal wise and all commemorative coins minted from Noida Mint for general circulation. He further added that he got a circulation coin of 5 rupee of Copper Nickel of Jagath Guru Sree Narayan Gurudev of Noida Mint and requested to provide details of all commutative coins from starting.

**(II) Observation of RTI Request, Appeal & Reply given by the PIO:**

3. It is observed that RTI request dated 11.04.2025 was received in RTI Portal of the department after being transferred from PIO SPMCIL, New Delhi wherein applicant had requested following information in respect to IGM, Noida:

(i) The denomination wise, year wise, design wise, metal wise, Mint wise total number of definitive coins of Re. 1/- Rs. 2, 5,10 and 20 minted after independence of India i.e. 15<sup>th</sup> August 1947 till date or from the latest date available till financial year 2023-24 issued for general circulation.

(ii) The denomination wise, year wise, design wise, metal wise, Mint wise total number of commemorative coins Re. 1/- Rs. 2, 5,10 and 20 minted after independence of India i.e. 15<sup>th</sup> August 1947 till date or from the latest date available till financial year 2023-24 issued for general circulation.

4. The PIO has obtained the information from the concerned section and accordingly replied to the Applicant vide letter Diary No. 124 dated 09.05.2025 i.e. within the time prescribed under the Act wherein the Appellant was supplied all available information as sought in point no. 1 & 2 of the RTI request. However, the appellant has stated that he has not got all the information.

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06/06/25

Cont - 2

**(III) Decision of the Appellate Authority:**

5. The undersigned noted that the Public Information Officer has replied the RTI request of the Appellant in the prescribed time furnishing the information under the RTI Act, 2005. It is pertinent to intimate that IGM, Noida has started production in 1988 and concerned department is maintaining the data of production as per financial year wise and denomination wise only and all the data available for circulation coins has been provided to the applicant from starting of production to FY 2023-24 vide Annexure-A. Further, the data of commemorative coins are available as per theme wise and denomination wise and same was also furnished to the applicant vide Annexure-B. With the above facts and observation, I find that the reply given by the PIO of this department is just and proper and no information has been concealed by them. Accordingly, this appeal stands disposed.

**(IV) Information of 2<sup>nd</sup> Appeal:** In case, you are not satisfied with the decision of the undersigned, you may submit an appeal to 2<sup>nd</sup> Appellate Authority (Chief Information Commissioner, New Delhi), within ninety days from the date of receipt of this letter.

*प्रकाश कुमार*  
(प्रकाश कुमार) 06/01/25

संयुक्त महाप्रबन्धक (मानव संसाधन)  
एवं प्रथम अपीली प्राधिकारी

प्रति:

Shri Vineet Lundia, R/o Royal Residency Zakaria Street Atghara Rajarhat Go Block-A, Flat-106,  
near Dashdrone SBI ATM, North 24 Parganas, West Bangal, Pin-700136-(**To be uploaded in  
Portal**)

प्रतिलिपि-सूचनार्थ । : श्री हीरा मणि सुयाल, उप प्रबन्धक(राजभाषा) एवं लोक सूचना अधिकारी, भारत सरकार  
टकसाल, नोएडा ।

## बुलियन विभाग

दिनांक: 05.06.2025

RTI Appeal Reg. no. IGMNO/A/E/25/00002 Dt. 12.05.2025

विषय :- सूचना के अधिकार अधिनियम के अंतर्गत जानकारों प्रदान करने हेतु

बुलियन विभाग में उपलब्ध जानकारी के अनुसार मांगी गई सूचना निम्नानुसार है।

IGM, Noida started production in 1988. Bullion Department maintain data of production as per financial year wise and denomination wise only. So, as per Annexure "A" of RTI reply all the data of production of coins minted by IGM, Noida till FY 2023-24 were given. In respect of commemorative coins data available with Bullion department are only as per theme wise and denomination wise, which were provided in Annexure "B" from 1988 to 2023-24.

05/06/25  
BA

Supervisor

OK

Manager(TO)

Amir  
OK

DM(OI)

Amir  
05/06/25

श्री दिनेश जी. गुप्ता

RTI Appeal

(12)

(2)

5/14/25, 3:30 PM

:: RTI MIS ::

RTI Request & Appeal Management Information System(RTI-MIS)

HOME SEARCH APPEALS MASTER UPDATE ANNUAL RETURN UTILITIES REPORT LOGIN HISTORY

000001

UPDATE ONLINE APPEAL

Public Authority: SPMCIL - India Government Mint, Noida      Role : Nodal Officer      User : VAISHNAVI SONKAR

RTI Appeal No.	IGMNO/A/E/25/00002	<a href="#">Click here to print appeal</a>
RTI Request Registration No.	IGMNO/RT/25/00003	
RTI Request Registration Date	11-04-2025	
Personal Details:-		
Name	Vinset Lundia	
Gender	Male	
Address	Royal Residency Zakaria Street Atghara Rajarhat Go Block -A , Flat -106 ,Near Dashdrone SBI atm North 24 Parganas	
Pincode	700136	
Country	India	
State	West Bengal	
Status	Urban	
Educational Status	Literate	
Educational Degree		
Phone No.	Details not provided	
Mobile No.	+91-7005375960	
Email-ID	vinsetlundia@gmail.com	
Appeal Details :-		
Citizenship	Indian	
Is the Requester Below Poverty Line	No	
Does it concern the Life or Liberty of a Person	Details not provided	
Ground For Appeal	Provided Incomplete,Misleading or False Information	
CPIO of Public Authority approached		
Concerned Appellate Authority	Details not provided	
CPIO's Order/Decision No.	Details not provided	
CPIO's Order/Decision Date	Details not provided	
Prayer or Relief Sough	Dear Sir , I havent recd the proper information for point no 1 and 2. In point number 1 I have asked coins minted from year 1988 for denomination rs.1,2,5,10,20 .but I have recd the reply from later years . I want to know	
Appeal document	Appeal document not provided.	
* Select an Action	---Please Select---	

Print      Reset      Submit

*Signature*  
14/05

*A. P. Chatterjee*  
15/05/25

RTI APPEAL DETAILS			
RTI Appeal Registration No. :	IGMNO/A/E/25/00002	RTI Appeal Received Date :	12/05/2025
RTI Request Registration No. :	IGMNO/R/T/25/00003	RTI Request Registration Date :	11/04/2025
Name :	Vineet Lundia	Gender :	Male
Address :	Royal Residency Zakaria Street Atghara Rajarhat GoBlock -A , Flat -106 ,Near Dashdrone SBI atmNorth 24 Parganas		
Pin Code :	700136		
State :	West Bengal	Country :	India
Phone :	Details not provided	Mobile No. :	+91-7005375960
Email :	vineetlundia@gmail.com		
Status :	Urban	Educational Status :	
Citizenship :	Indian	Is Appellant below poverty line ? :	No
CPIO of Public Authority Approached :	30295	CPIO's Order/Decision Date :	Details not provided
CPIO's Order/Decision No. :	Details not provided		
Ground For Appeal :	Provided Incomplete,Misleading or False Information		
Text of RTI First Appeal :	<p>Dear Sir , I havent recd the proper information for point no 1 and 2. In point number 1 I have asked coins minted from year 1988 for denomination rs.1,2,5,10,20 .but I have recd the reply from later years . I want to know the mintage of copper nickel coins minted from year 1988 . (Year wise , theme wise , denomination wise , metal wise ) And in point number 2 . I have asked for the commemorative coins minted from year 1988 but I have recd half reply not recieved proper and all commemorative coins minted from Noida mint . Please send me the all commemorative coins minted for general circulation. Also I have got 1 coin from general circulation of 5 Rupees Copper Nickel of JAGATH GURU SREE NARAYAN GURUDEV of Noida mint . I want to know the mintage of this coins from Noida mint . Kindly look upon the matter and resolve the same at the earliest . Thanks in advance for prompt reply . Please send me all the commemorative coins mintage details from starting . Its a huge request to you sir .</p>		

*RTI Request & Appeal Management Information System (RTI-MIS)*

HOME SEARCH ASSESSMENT COMMENTS RECEIVED FROM CPIO CORRESPONDENCE LETTER REPORTS UTILITY USER MANUAL LOGOUT

MESSAGE(S)

Public Authority: SPMCIL - India Government Mint, Noida

Role : Appellate Authority

User : Prakash Kumar

Registration Number 'IGMNO/A/E/25/00001.' is Disposed of Successfully.(पंजीकरण संख्या सफलतापूर्वक निपटाया गया ।)



भारत सरकार टकसाल, नोएडा (उ.प्र.)  
INDIA GOVERNMENT MINT, NOIDA (U.P.)

(ISO 9001-2015 / ISO 14001-2015 / ISO 45001-2018 प्रमाणित इकाई / Certified Unit)

भारत प्रतिभूति मुद्रण तथा मुद्रा निर्माण निगम लिमिटेड की इकाई  
A Unit of Security Printing and Minting Corporation of India Limited  
(भारत सरकार के पूर्ण स्वामित्वाधीन / Wholly owned by Govt. of India)  
मिनीरत्न श्रेणी - I, सीपीएसई / A Miniratna Category - I CPSE  
डी-2, सेक्टर-1, नोएडा (उ.प्र.)-201301 / D-2, Sector-1, NOIDA (U.P.) - 201 301



GSTIN : 09AAJCS6111J1Z6  
CIN : U22213DL2006GOI144763

ई-मेल / E-mail : igm.noida@sprncil.com

Phone : 0120-4783116  
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फा. सं. NM/RTI/FAA/2025-26 / 151

दिनांक: 08.05.2025

**ORDER**

**Sub.: First Appeal received from Shri Rohit Gaur under Section 19(1) of Right To Information Act, 2005**

Ref.: (1) RTI Request No. IGMN/R/E/25/00001 date 24.02.2025  
(2) Request replied by CPIO vide letter Diary No. 1143 dated 21.03.2025  
(3) Appeal Ref. No. IGMNO/A/E/25/001 dated 15.04.2025

**(I) Detail of RTI request, reply given by CPIO & grounds for making this Appeal:**

Above referred Appeal has been filed in RTI Portal by Shri Rohit Gaur, R/o H. No. 35-36, 3<sup>rd</sup> Floor, New Mangolpuri, New Delhi-110030 under Section 19 (1) of the RTI Act, 2005 wherein Appellant has stated that the PIO of this department has not furnished the information as requested by him.

2. In the RTI Appeal, the appellant has quoted order Hon'ble Chief Information Commission in Bir Singh (Qr. No. 76/31, Old Pinto Park, Air Force Station, Palam, Delhi Cantt.-10) stipulating that some information related to tender process can be disclosed in the larger public interest if the tender process has been completed. Hence, this appeal is made under Section 19(1) of the RTI Act.

**(II) Observation of RTI Request, Appeal & Reply given by the PIO:**

3. It is observed that RTI request dated 24.02.2025 was filed by the Appellant in RTI Portal of the department requesting to provide information/documents as mentioned on 6 points regarding EOI titled "Manufacture and Supply of Rs. 5 Nickel Brass Coin Blanks at India Government Mints located at Noida, Kolkata, Hyderabad and Mumbai vide Ref. No. NM/220/1/83/2024-Pur, dated 26.09.2024. Since the information sought by the Appellant was pertains to Purchase Section, the PIO has obtained the information from the concerned section and accordingly replied to the Applicant vide letter Diary No. 1143 dated 21.03.2025 i.e. in the prescribed time limit. Vide this reply the Appellant was supplied information on point no. 1. However, the information sought in point no. 2 to 6 were not disclosed as per Section 2(f) & (i), Section 8 (1)(d) of RTI Act, 2005 as the information sought in point no. 5 was not comes under the purview of information and remaining points no. 2,3,4 & 6 pertains to information related to commercial confidence. Hence, the information was declined by the PIO.

**(III) Decision of the Appellate Authority:**

4. The undersigned noted that the Public Information Officer has replied the RTI request of the Appellant in the prescribed time furnishing the information under the RTI Act, 2005. The information/documents related to point no. 2 to 6 has not been disclosed as the matter pertains to Tender Document containing confidential information of others which cannot be disclosed under Section 8(I) (d) of RTI Act, 2005. It is further noted that the order of Hon'ble CIC in Birpal Case speaks about disclosure of certain information/document excluding personal information of the tenderer in larger public interest post conclusion of a tender process. The undersigned has obtained updated information from concerned department and they have informed that only EOI has been floated and further process of floating the tender, it's processing & evaluation is in progress and has not been finalized yet, therefore at this stage, the information sought by the Appellant cannot be disclosed at this particular stage. However, the information will be shared post award of contract in compliance of order of Hon'ble CIC quoted by the Appellant. Satisfying with the above facts the reply given by the PIO of this department is upheld and appeal is accordingly disposed of.

**(IV) Information of 2<sup>nd</sup> Appeal:** In case, you are not satisfied with the decision of the undersigned, you may submit an appeal to 2<sup>nd</sup> Appellate Authority (Chief Information Commissioner, New Delhi), within ninety days from the date of receipt of this letter.

संयुक्त महाप्रबन्धक (मानव संसाधन)  
एवं प्रथम अपीली प्राधिकारी

प्रति:

Shri Rohit Gaur, 35-36, 3<sup>rd</sup> Floor, New Mangolpuri, New Delhi-110030 (To be uploaded in Portal)

प्रतिलिपि-सूचनार्थ । : श्री हीरा मणि सुयाल, उप प्रबन्धक(राजभाषा) एवं लोक सूचना अधिकारी, भारत सरकार टकसाल, नोएडा ।

08/05/25

प्रकाश कुमार  
08/05/25  
08/05/25  
08/05/25



भारत सरकार टकसाल, नोएडा (उ.प्र.)  
INDIA GOVERNMENT MINT, NOIDA (U.P.)

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आज़ादी का  
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GSTIN : 09AAJCS6111J1Z6  
CIN : U22213DL2006GOI144763

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फा. सं. NM/RTI/FAA/2025-26 /151

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**(IV) Information of 2<sup>nd</sup> Appeal:** In case, you are not satisfied with the decision of the undersigned, you may submit an appeal to 2<sup>nd</sup> Appellate Authority (Chief Information Commissioner, New Delhi), within ninety days from the date of receipt of this letter.

प्रकाश कुमार  
(प्रकाश कुमार) 8/5/25  
संयुक्त महाप्रबन्धक (मानव संसाधन)  
एवं प्रथम अपीली प्राधिकारी

प्रति:

Shri Rohit Gaur, 35-36, 3<sup>rd</sup> Floor, New Mangolpuri, New Delhi-110030 (To be uploaded in Portal)

प्रतिलिपि-सूचनार्थ । : श्री हीरा मणि सुयाल, उप प्रबन्धक(राजभाषा) एवं लोक सूचना अधिकारी, भारत सरकार टकसाल, नोएडा ।


श्री द्वैदी जी .

## UPDATE ONLINE APPEAL

Public Authority: SPMCIL - India Government Mint, Noida

Role : Nodal Officer

User : VAISHNAVI SONKAR

RTI Appeal No.	IGMNO/A/E/25/00001	<a href="#">Click here to print appeal</a>
RTI Request Registration No.	IGMNO/R/E/25/00008	
RTI Request Registration Date	24-02-2025	
<b>Personal Details:-</b>		
Name	Rohit Gour	
Gender	Male	
Address	35 36 3rd floor New Manglapuri New Delhi 110030	
Pincode	110030	
Country	India	
State	Delhi	
Status	Urban	
Educational Status	Literate	
Educational Degree		
Phone No.	+91-8486057784	
Mobile No.	+91-8486057784	
Email-ID	advrohitgour@gmail.com	
<b>Appeal Details :-</b>		
Citizenship	Indian	
Is the Requester Below Poverty Line	No	
Does it concern the Life or Liberty of a Person	Details not provided	
Ground For Appeal	Refused access to Information Requested	
CPIO of Public Authority approached		
Concerned Appellate Authority	Details not provided	
CPIO's Order/Decision No.	Details not provided	
CPIO's Order/Decision Date	Details not provided	
Prayer or Relief Sough	First appeal application is annexed with this online RTI application. Kindly find the supporting documents.	
Appeal document		
* Select an Action	---Please Select---	

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Point No.	Query	Reply	Counter reply
1.	Kindly provide the details of along with supporting documents of the coin blank machinery submitted by the selected person/entity that you have qualified.	Since. the information is related to third party, clause no 8(1)(d) of RTI Act, as information is including of commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information under exemption from disclosure of information. Hence, the information sought in this point cannot be provided.	In The matter of Bir Singh Vs. Central Public information Officer (File No : CIC/RK/A/2016/000884-AB) .... In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more and more information should be disclosed. <u>Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party.</u>
2.	Kindly provide details, along with documentary evidence, confirming that the coin blank machinery was purchased, installed, and commissioned prior to the EOI date. Documentary evidence should include ( copy of purchase order, manufacturer's test report, CA certificate, store entry, gate register entry, e way bill & all other supporting transit documents.	Since. the information is related to third party, clause no 8(1)(d) of RTI Act, as information is including of commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information under exemption from disclosure of information. Hence, the information sought in this point cannot be provided.	In The matter of Bir Singh Vs. Central Public information Officer (File No : CIC/RK/A/2016/000884-AB) .... In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more and more information should be disclosed. Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party
3.	Kindly provide the detailed on-site visit report by your appointed personnel, confirming the capability & capacity of the companies who participated in your EOI	Since. the information is related to third party, clause no 8(1)(d) of RTI Act, as information is including of commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of third party, unless the competent	In The matter of Bir Singh Vs. Central Public information Officer (File No : CIC/RK/A/2016/000884-AB) .... In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more

		authority is satisfied that larger public interest warrants the disclosure of such information under exemption from disclosure of information. Hence, the information sought in this point cannot be provided.	<i>and more information should be disclosed. Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party</i>
4.	Kindly confirm the visiting team has witnessed all the machines in operation and not only ideal, kindly share the report also.	The requisite information does not come under the purview of RTI act as the same cannot be termed as "Information" under Section 2 (f) & (i) of RTI Act, 2005.	In The matter of Bir Singh Vs. Central Public information Officer (File No : CIC/RK/A/2016/000884-AB) .... <i>In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective, and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more and more information should be disclosed. Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party</i>
5.	Kindly provide documentary evidence that the net worth of the bidders you have qualified has not eroded by more than 30% in the last three years, ending on 31.03.2023	Since, the information is related to third party, clause no 8(D(d) of RTI Act. as information is including of commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information under exemption from disclosure information. Hence. the information sought in this point cannot be provided,	In The matter of Bir Singh Vs. Central Public information Officer (File No : CIC/RK/A/2016/000884-AB) .... <i>In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective, and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more and more information should be disclosed. Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party</i>

**CENTRAL INFORMATION COMMISSION**

**Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.**

**Tel: 011 - 26182593/26182594**

**Email: registrycab@gmail.com**

**File No : CIC/RK/A/2016/000884-AB**

**In the matter of:**

Bir Singh  
Qr. No. 76/31, Old Pinto Park, Air Force  
Station, Palam, Delhi Cantt- 10

...Appellant

Vs.

Central Public information Officer  
M/o Defence  
Garrison Engineer (A/F), Palam Delhi  
Cantt- Delhi- 10

...Respondent

	Dates
RTI application	: 22.04.2014
CPIO reply	: 21.05.2015
First Appeal	: 19.06.2015
FAA Order	: 20.06.2015
Second Appeal	: 03.12.2015
Date of hearing	: <b>17.11.2016</b>

**Information sought:**

The appellant had sought Photostat copies of approval letters or the pages of the concerned Register wherein written approvals were accorded in respect of samples of materials used in the execution of works against work order no, CA No. GE/NP-07/2011-12, the date(s) of completion of the above work as well reason(s) for extension, if any were also to be furnished to the applicant.

**Grounds for Second Appeal**

The CPIO did not provide the desired information.

Order

Appellant : Present  
Respondent : CPIO, Major Lomesh

During the hearing the appellant submitted that he had refused to furnish the said information vide CPIO letter dated 21.05.2015 in connection with the RTI application dated 22.04.2014.

On perusal of the case record, it was seen that it is a case in which the said information was refused on the plea that it is a third party information. The Commission observed that the information sought was in respect of public works and the reply of the then CPIO stating that this information related to third party was not justified.

**Section 8(1)(d) of the RTI Act reads as follows:**

***“(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;”***

A plain reading of the above provision expresses clearly that competitive position of the third party should be protected and only in case of larger public interest it may be disclosed.

It is relevant herein to rely on the decision of Jharkhand High Court in the matter of State Of Jharkhand And Anr. vs Navin Kumar Singha And Anr. on 8 August, 2007 where the aspect of Sec 8(1)(d) was discussed in detail. The operative part of the decision is extracted below:

*“26. Section 8(1)(d) is relevant so far instant case is concerned which, inter alia, provides that the authority may refuse to give information relating to commercial confidence, trade secret or intellectual property, disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. The question, therefore, that falls for consideration is as to whether disclosure of various documents submitted by the bidders is a trade secret or commercial confidence or intellectual property. Prima facie, we are of the view that once a decision is taken in the matter of grant of tender, there is no justification to keep it secret. People have a right to know the basis on which the decision has been taken. If tenders are invited by the public authority and on the basis of tender documents, the eligibility of a tender or a bidder is decided, then those tender documents cannot be kept secret, that too, after the tender is decided and work order is issued on the ground that it will amount to disclosure of trade secret or commercial confidence. If the authorities of Government refuse to*

disclose the document, the very purpose of the Act will be frustrated. Moreover, disclosure of information, sought for by the petitioner, cannot and shall not be a trade secret or commercial confidence; rather disclosure of such information shall be in public interest, inasmuch as it will show the transparency in the activities of the Government.

27. As stated in the supplementary counter affidavit, the documents were provided to the Legislative Assembly as per the reports submitted by one M.L.A., Chairman of Jharkhand Vidhan Sabha Committee. The document, disclosure of which sought for, is the experience certificate issued by one company in favour of successful bidder and also the document related to turn over and profit of the limited company. Since the tender process is completed and contract has been awarded, it will not influence the contract. Besides the above, a citizen has a right to know the genuineness of a document submitted by the tenderer in the matter of grant of tender for consultancy work or for any other work. As noticed above, the tender process is completed and the contract has been awarded, therefore, it will not influence the contract. In any view of the matter, the document in question cannot be treated as trade secret or commercial confidence. In our considered opinion a contract entered into by the public authority with a private person cannot be treated as confidential after completion of contract.

In the above case the Hon'ble Jharkhand High Court had categorically stated that the contract entered into by the public authority with a private person cannot be treated as confidential after the tendering process is over & especially after the conclusion of the contract. It was also categorically mentioned that people have a right to know the basis on which the decision has been taken.

The Hon'ble Delhi Court in W.P.(C) 1763/2012 in the matter of State Bank Of India & Anr vs Kishan Lal Mittal on 18 July, 2013 had held as follows:

"7. It would thus be seen that the Commission did not at all deal with the view taken by the CPIO and the First Appellate Authority that the information sought by the respondent was exempt under Section 8(1)(d) of the Act which exempts that information including **commercial confidence**, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information. The Commission did not opine that the minutes of the board meetings for the last two years would not contain any information in the nature of **commercial confidence**, trade secret or intellectual property of the petitioner-bank, the disclosure of which could harm the competitive position of a third party. The Commission also did not take the view that larger public interest warranted disclosure of the information sought by the respondent. In fact, probably, the Commission could not even have recorded such a finding without examining the minutes of the board meetings held in the last two years.

It is true that the Commission directed exclusion of the information which was exempt under Section 8(1)(d) of the Act, but, that, in my view, was not a correct approach to deal with the matter. By doing so, the Commission left the whole thing to the discretion of the petitioner to decide as to which information would be exempt from disclosure and which information would not attract the exemption provisions

*contained in the Act. The correct approach, in my view, would have been to call upon the petitioner-bank to satisfy the Commission as to how and to what extent the information sought by the petitioner, included matters of commercial confidence, trade secret or intellectual property of the petitioner the disclosure of which would harm the competitive position of a third party and then take a view in the matter. For this purpose, the Commission could also have examined such part of the information which the petitioner claimed to be exempt under Section 8(1)(d) of the Act, without disclosing the same to the respondent. Of course, if the Commission was of the view that larger public interest warranted disclosure of the information, it could have directed such disclosure even if the information was in the nature of commercial confidence, trade secret or intellectual property of the petitioner, but, to leave it to the petitioner to decide as to which information was exempt from disclosure and which could be disclosed to the applicant is likely to result in further litigation since the applicant may not be satisfied with the decision of the petitioner-bank in this regard and may be constrained to again knock at the door of the Commission."*

A plain reading of the above decisions makes the stand clear that the onus is on the public authority to satisfy the Commission as to how and to what extent the information sought by the applicant, includes matters of commercial confidence, trade secret or intellectual property of the third party the disclosure of which would harm the competitive position of the third party.

During the course of hearing the respondent stated that third party objected to the disclosure of the said information. Taking into consideration the above aspect, the Commission found it appropriate to discuss the nature of the information sought by the appellant. The appellant had sought copies of the approval letters relating to the execution of the work, date of completion and reasons for granting extension. The Commission by no stretch of imagination is able to understand how the details about the date of completion of a public work where public money was involved, could not be furnished to the applicant under the RTI Act. Therefore, the respondent's plea of exemption under Sec 8(1)(d) in respect of Para (b) of the RTI application is not tenable under the Act. However as it is a settled principle of law that under the RTI Act reason is not an information. The Commission however deems it appropriate to interpret the query in a constructive way and holds that the copy of the extension letter issued to the concerned contractor related to the work shall serve the purpose under the provisions of the Act.


In respect of the Para (a) of the RTI application, in which copies of approval letters or the pages of register wherein written approvals were accorded in respect of samples of materials used in the execution of work was sought, it is relevant to note the Hon'ble Bombay High Court's decision in the matter of **M/S Shonkh Technology ... vs State Information Commission on 1 July, 2011** held as follows:

*"14 On the own showing of the Petitioner, clause (d) provides that the information can be disclosed if the competent authority is satisfied that larger public interest warrants such disclosure. Therefore, that clause as admitted by Mr.Manohar is not absolute. It does not say that the information including commercial confidence, trade secrets or intellectual property, the disclosure of which, would harm the competitive position of a*


*third party; cannot be demanded or if demanded, cannot be disclosed even if larger public interest warrants the same.* The State Information Commissioner has held that the disclosure of both agreements would not result in disclosure of trade secrets or intellectual property. *His conclusion is that the tenders were for an important work which affects large number of vehicle owners and drivers of vehicles.* The agreements have to be entered into for providing a service in the form of making of Smart Cards for registration of motor vehicles and driving licences at enhanced fees. *Further, the conclusion is that the disclosure of information would enable public scrutiny of the process and contracts and therefore, it is desirable in larger public interest that the information is provided.*

15 I am not in agreement with the Petitioners that the conclusion drawn is in any way contrary to Section 8(1)(d). *The agreements may contain certain stipulations, so also, certain obligations, but what is sought is a copy of the agreement. It is not the case of the Petitioners that larger public interest does not warrant disclosure of this information. They tried to place the case more on the pedestal of security and safety, so also, confidentiality of interests of those to whom the Smart Cards have been issued. The information sought is not in relation to the individual Smart Cards or registration certificates or details thereof.* The information sought is in relation to the decision taken and the policy framed for providing the Smart Cards and if the means to provide the same are by inducting private service providers, then, only details of the agreements executed with such service providers and the copies thereof have been sought. *In my view, there was nothing in the information sought by the Respondent No.4, by which commercial confidence, trade secrets or intellectual property is being disclosed, leave alone the disclosure of which would harm the competitive position of a third party or it would lead to incitement of an offence. Merely because the details of the service providers are to be disclosed and the copies of the agreements would be provided, that does not mean that their interests are harmed or their competitive position is affected.* It has been rightly pointed out by the Respondent No.4 that some other Transport Commissioners have been providing such details for the respective territories and States, therefore, there was no need for the Transport Commissionerate for Maharashtra to withhold this information."

The Hon'ble Bombay High Court had categorically observed in the abovementioned case that the information sought in relation to the decision taken and the policy framed in relation to a public work is not private information.

 The Hon'ble Bombay High Court in the matter of *Ferani Hotels Pvt Ltd vs The State Information ...* on 30 October, 2015 held as follows:

*18. The contention of Mr. Kamdar is that the provisions of section 8 (1) (d) (g) (j) are clearly attracted qua the application of the 3rd respondent in seeking the information in question and there is a clear exemption from providing this information. This submission in our opinion is not well founded. We have observed above that the nature of the information as sought by the 3rd respondent in no hotelff.doc manner would fall under the prohibition under section 8 (1)(d) (g) and (j) of the Act. We are certain that once building proposals are considered and plans are sanctioned, by the Municipal authorities, such permission, plans and documents pertaining to the same form part of public record. Once the approvals are granted such information as in the present case in our opinion, is not of the nature of any trade secret or of a commercial confidence or of a nature which would harm the competitive position of the petitioner.*

 The Hon'ble Supreme Court of India in the matter of **Union Of India vs Namit Sharma** on 3 September, 2013 had held as follows:

*22. .... For example, under Section 8(1)(d) of the Act, there is no obligation to furnish information including commercial confidence, trade secrets, or intellectual property, the disclosure of which would harm the competitive position of the third party, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information. Similarly, the right to privacy of a third party, which is part of his personal liberty under Article 21 of the Constitution, may be breached if a particular kind of information, purely of personal nature may be directed to be furnished by the concerned authority. To protect the rights of third parties, Section 11 of the Act provides that where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record or part thereof, may on a request made under the Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, a written notice will have to be given to such third party inviting such party to make a*

*submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party can be kept in view while taking a decision about disclosure of the information. **The decision taken by the Central Public Information Officer or the State Public Information Officer, as the case may be, under Section 11 of the Act is appealable under Section 19 of the Act before the Information Commission and when the Information Commission decides such an appeal, it decides only whether or not the information should be furnished to the citizen in view of the objection of the third party. ....***

In view of the above Apex Court dicta, the Commission finds it appropriate to examine whether, the information in spite of the objection of the third party is disclosable or not. The information regarding approval letters for the execution of work is a public interest matter as here the genuineness of the approval is in question. Transparency of public works is the rule and confidentiality is an exception. The process of evaluation of samples should remain confidential until publication of award of contract.

It is relevant herein to rely on the decision of Hon'ble Delhi Court in the matter of BHARAT SANCHAR NIGAM LTD. Vs SHRI CHANDER SEKHAR in LPA No. 900/2010 held as follows:

*"10. We, at the outset, deem it appropriate to discuss the issue generally as the same is likely to arise repeatedly. Confidentiality or secrecy is the essence of sealed bids. The same helps the contract awarding party to have the most competitive and best rates / offer. The essential purpose of sealed bidding is that the bids are secret bids that are intended by the vendor and expected by bidders to be kept confidential as between rival bidders until such time as it is too late for a bidder to alter his bid. Sealed bidding means and must be understood by all those taking part in it to mean that each bidder must bid without actually knowing what any rival has bid. The reason for this, as every bidder must appreciate, is that the vendor wants to avoid the bidders bidding (as they would do in open bidding such as at an auction) by reference to other bids received and seeking merely to top those bids by the smallest increment possible. The vendor's object is to get the bidders to bid "blind" in the hope that then they will bid more than they would if they knew how far other bidders had gone. Additionally, from each bidder's point of view his own bid is confidential and not to be disclosed to any other bidder, and he makes his bid in the expectation, encouraged by the invitation to submit a sealed bid, that his bid will not be disclosed to a rival. If, therefore, a rival has disclosed to him by the vendor the amount of another's bid and uses that confidential information to pitch his own bid enough to outbid the other, this is totally inconsistent with the basis on which each bidder has been invited to bid, and*

the rival's bid is not a good bid; likewise if the rival adopts a formula that necessarily means that he is making use of what should be confidential information (viz. the bid of another) in composing his own bid. In such a case, the amount of the other's bid is being constructively divulged to him. *The process of inviting tenders has an element of secrecy – since nobody knows what would be the bid of the competitor, every one will try to show preparedness for the best of the terms which will be acceptable to the institution calling the tenders. This requires ensuring that the tenders are not tampered with, the offers are not leaked to another bidder or even to the officers of the institution for which the tenders are called. Secret bids thus promote competition, guard against favouritism, improvidence, extravagance, fraud and corruption and lead to award of contract, to secure the best work at the lowest price practicable.*

11. Over the years the secret bids are not confined to the price only, which may cease to be of any value or lose confidentiality once the bids are opened. The bids/tenders today require the bidders to submit in the bids a host of information which may help and be required by the tender calling institution to evaluate the suitability and reliability of the contracting party. The bidders are often required to, in their bids disclose information about themselves, their processes, turnover and other factors which may help the tender calling institution to evaluate the capability of the bidder to perform the contracted work. The secret bids/tenders are often divided into technical and financial parts. The bidders in the technical part may reveal to the tender calling institution their technology and processes evolved and developed by them and which technology and processes may not otherwise be in public domain and which the bidder may not want revealed to the competitors and which technology/processes the bidder may be using works for the other clients also and which technology/processes if revealed to the competitors may lead to the bidder losing the competitive edge in subsequent awards of contracts. If it were to be held that a bidder by virtue of participating in the tender becomes entitled to all particulars in the bids of all the bidders, the possibility of unscrupulous businessmen participating in the tender merely for acquiring such information, cannot be ruled out. Such disclosure may lead to the competitors undercutting in future bids. We may at this stage notice that the Freedom of Information Act prevalent in United States of America as well as the Freedom of Information Act, 2000 in force in United Kingdom, both carve out an exception qua trade secrets and commercial or financial information obtained from a person and which is privileged or confidential. The tests laid down in those jurisdictions also, is of „if disclosure of information is likely to impair governments ability to obtain necessary information in future or to cause

substantial harm to competitive position of person from whom information is obtained". It has been held that unless persons having necessary information are assured that it will remain confidential, they may decline to cooperate with officials and the ability of government to make intelligent well-informed decisions will be impaired. Yet another test of whether the information submitted with the bids is confidential or not is of "whether such information is generally available for public perusal" and of whether such information "is customarily made available to the public by the business submitter". If it is not so customarily made available, it is treated as confidential.

12. Though the report of the appellant of evaluation of tenders, is a document of the appellant but the evaluation therein is of the tenders of the various bidders and the report of evaluation may contain data and other particulars from the bids and which data/particulars were intended to be confidential. If any part of the bids is exempt from disclosure, the same cannot be supplied obliquely through the disclosure of evaluation report.

13. What thus emerges is that a balance has to be struck between the principle of promoting honest and open government by ensuring public access to information created by the government on the one hand and the principle of confidentiality breach whereof is likely to cause substantial harm to competitive position of the person from whom information is obtained and the disclosure impairing the government's ability to obtain necessary information in future on the other hand. Also, what has been discussed above may not apply in a proceeding challenge wherein is to the evaluation process. It will then be up to the Court before which such challenge is made, to decide as to what part of the evaluation process is to be disclosed to the challengers.

14. Questions also arise as to the information contained in the bids / tenders of the unsuccessful tenderers. Often it is found that the same is sought, to know the method of working and to adversely use the said information in future contracts. Generally there can be no other reason for seeking such information.

15. Once we hold that the information of which disclosure is sought relates to or contains information supplied by a third party and which the third party may claim confidential, the third party information procedure laid down in Section 11 of the Act is attracted. The said aspect has not been considered either by the CIC or by the learned Single Judge.

16. What we find in the present case is that the tender process has been scrapped. The information which is being sought relates to the evaluation of the bids by the appellant. Though the Non Disclosure Agreement extended the obligation of confidentiality beyond the date of opening of the tenders also but only for a period

of two years from the date of disclosure or to the completion of business purpose whichever is later. The business purpose stands abandoned with the scrapping of the tenders. More than two years have elapsed from the date when the information was submitted. Thus the said agreement now does not come in the way of the appellant disclosing the information. However, we are of the opinion that disclosure of such information which would be part of the evaluation process would still require the third party information procedure under Section 11 of the Act to be followed. As aforesaid, besides the bid price, there may still be information in the bid and which may have been discussed in the evaluation process, of commercial confidence and containing trade secret or intellectual property of the bidders whose bids were evaluated.

17. Though in the light of the view taken by us hereinabove, the question of validity of the agreement need not to be adjudicated but since we have heard the counsels, we deem it our duty to adjudicate upon the said aspect also. Section 22 of the Act relied on by the learned Single Judge though giving overriding effect to the provisions of the Act still saves the instruments "having effect by virtue of any law other than this Act". This Court in *Vijay Prakash v. Union of India AIR 2010 Delhi 7* has held that though Section 22 the Act overrides other laws, the opening non-obstante clause in Section 8 confers primacy to the exemptions enacted under Section 8(1). Thus, once the information is found to be exempt under Section 8(1), reliance on Section 22 is misconceived. Whether the information is of such nature as defined in Section 8(1)(d) of the Act, can be adjudicated only by recourse to Section 11 of the Act."

In the light of the above decision, the Commission finds it appropriate to note that the information sought by the appellant is relating to approval accorded in respect of samples of materials used in the execution of works and date(s) of completion of the work as well the reason for extension. The Commission is not convinced by the plea of the CPIO that disclosure of the above stated information would hamper the competitive position of the third party or commercial confidence, trade secrets of intellectual property. However, the reason for extension of the work may be given only if the reasons are available in the form of documents.

↙ In the case on hand, as discussed earlier, the issues raised by the appellant are on a much wider perspective and cannot be equated with the commercial interest of certain third parties. It is well known that in the larger public interest more and more information should be disclosed. Since the matter in regard to invitation for participation in public auction should encourage greater transparency, it should be free from all sorts of bias and discrimination against any party. ↘

The Commission directs the respondent CPIO, GE, Air Force Station, Palam to provide point wise reply complete in all respects, free of charge u/s 7(6) of the RTI Act, to the appellant within 21 days of the receipt of the order.

*With the above direction, the appeal is disposed of.*

**[Amitava Bhattacharyya]**  
**Information Commissioner**

Authenticated true-copy

(A.K. Talapatra)  
Deputy Registrar

**RTI APPEAL DETAILS**A-01  
2025-26

<b>RTI Appeal Registration No. :</b>	IGMNO/A/E/25/00001	<b>RTI Appeal Received Date :</b>	15/04/2025
<b>RTI Request Registration No. :</b>	IGMNO/R/E/25/00008	<b>RTI Request Registration Date :</b>	24/02/2025
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<b>Status :</b>	Urban	<b>Educational Status :</b>	
<b>Citizenship :</b>	Indian	<b>Is Appellant below poverty line ? :</b>	No
<b>CPIO of Public Authority Approached :</b>	30295	<b>CPIO's Order/Decision Date :</b>	Details not provided
<b>CPIO's Order/Decision No. :</b>	Details not provided		
<b>Ground For Appeal :</b>	Refused access to Information Requested		
<b>Text of RTI First Appeal :</b>	First appeal application is annexed with this online RTI application. Kindly find the supporting documents.		
<input type="button" value="Print"/> <input type="button" value="Close"/>			

Rohit Gour  
21/04/25