



**THE SHIPPING CORPORATION OF INDIA LTD.,**

**BOARD SECRETARIAT**

Ref: A10/SEC-BD-5005/RTI-1592

28.11.2019

**Sub: Right to Information Act, 2005.**

Kindly find enclosed an RTI application dated 28.11.2019 received by the undersigned under the Right to Information Act, 2005.

The information, as sought for, may kindly be given along with the relevant questions in **hard copy and by soft copy** to [vinitha.vinod@sci.co.in](mailto:vinitha.vinod@sci.co.in) to enable us to furnish the information to the applicant within the prescribed period, as stipulated under the Act. Please note failing to provide the requisite information within time-frame to the undersigned (i.e., maximum **FIVE** days) there can be an implication of a personal fine which may extend up to Rs.25,000/- vide Section – 20 of the RTI Act, 2005.

Please note that this information is sought under Section 5(4) & 5(5) of the RTI Act, 2005

अधोहस्ताक्षरी को प्राप्त 28.11.2019 Mr. Amol Naik का आर.टी.आई. आवेदन दिनांक 28.11.2019 यहाँ संलग्न है जिसके जरिए सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना माँगी गई है।

माँगी गई सूचना को संगत प्रश्नों **हार्ड कॉपी में तथा सॉफ्ट कॉपी के द्वारा** ईमेल आईडी [vinitha.vinod@sci.co.in](mailto:vinitha.vinod@sci.co.in) पर भेज दें ताकि हम अधिनियम के अंतर्गत विनिर्धारित अवधि के अंदर आवेदनकर्ता को सूचना प्रेषित कर सकें। कृपया नोट करें कि अधोहस्ताक्षरी को समयसीमा (अर्थात् अधिकतम **पाँच** दिन) के अंदर अपेक्षित सूचना नहीं भेजने की अवस्था में व्यक्तिगत तौर पर दंड लगाया जा सकता है जो आर.टी.आई. अधिनियम, 2005 की धारा 20 के अनुसार 25,000/- रुपये तक बढ़ाया जा सकता है।

कृपया नोट करें कि यह सूचना आर.टी.आई. अधिनियम, 2005 की धारा 5(4) तथा 5(5) के अंतर्गत माँगी गई है।

  
(Dipankar Halder)

PIO

Encl: As above.

APIO (P&A-SP)

  
Received  
29/11/2019

**UNDER RIGHT TO INFORMATION ACT 2005**

**APPLICANT** : **Mr. Amol Chandrakant Naik**  
Frontline Enterprises  
130, Modi Street, 1st Floor,  
Lokhandwala Building, Fort, Mumbai - 400001.

**TO** : **The Right to Information Officer**  
The Shipping Corporation of India Ltd.,  
Nariman Point Mumbai - 400021.

**SUBJECT REF.** : **TENDER NO.: P&A/ADMIN/OC/2017**

**TENDER FOR REGULAR SUPPLY OF NYLON STAMPS AND  
ACRYLIC NAME PLATES**

**INFORMATION REQUIRED :**

*Provide us a Comparative Statement of Price Bid for subject tender.*

**EXPLANATION:**

As per the RTIACT 2005, A documents including Comparative Statement of Price Bid, has to be given to applicant within prescribe time limit. Following judgement has been passed by the Hon'ble Central Information Commission in our same Case.

**JUDGEMENT REF.:**

1) *In our Same case Decision No.: CIC/UCOBK/A/2017/192263 Dated : 28/03/2018 Central Information Commission has passed the judgement "There is no justification to keep it secret. People have a right to know the basis of which decision has been taken. If tenders are invited by the public authority and on the basis of tender documents, the eligibility of tenderor or a bidder is decided then those tender documents cannot be secret or commercial confidence.*

Above judgement is taken from Division bench of Jharkhand High Court in state of Jharkhand V/c. Navin Kumar Sinha and Anr. AIR 2008 Jharkhand 19 dated : 08/08/2007 (Annexure : A)

2) In our earlier Appeal RTI to the Director P&A, The SCI Ltd on dated : 12.07.2017, Hon'ble Director P&A pleased to passed order ref No.: No.: PADir/22.2/L-46/07/17. to provide Comparative statement to the Applicant. (Annexure : B)

**For Frontline Enterprises**



**(Amol Naik)**

**M : 9223429671**

**Date : 28/11/2019**

**Encl.: 1) CIC JUDGEMENT COPY - Annexure "A"**

**2) Director P&A, SCI LTD. Order - Annexure "B"**

**3) RTI Fees Postal Order No.: 995999 Dated : 26/11/2019**

**CENTRAL INFORMATION COMMISSION**

Room No. 302, CIC Bhawan, Baba Gang Nath Marg,  
Munirka, New Delhi-110067

**Decision No. CIC/UCOBK/A/2017/192263 Dated 28.03.2018**

**Amol C Naik vs. CPIO, UCO Bank, Circle Office, Nariman Point, Mumbai**

Relevant dates emerging from the appeal:

<b>RTI:</b> 22.08.2016	<b>FA:</b> 22.11.2016	<b>S.A.</b> 10.12.2016
<b>CPIO:</b> 03.11.2016	<b>FAAO:</b> 25.11.2016	<b>Hearing:</b> 27.03.2018

**ORDER**

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), UCO Bank, Circle Office, Nariman Point, Mumbai, seeking information on five points pertaining to the bidding process for empanelment of vendor, including, inter-alia, (i) the comparative statement of price bid, (ii) the date on which price bid has been opened, and (iii) the total no. of participating vendors as well as the qualifying vendors.

2. The appellant filed a second appeal before the Commission on the grounds that the CPIO has incorrectly denied the information sought by him under point no. 1 of the RTI application stating that the same is available with the bank in a fiduciary capacity. The appellant contended that he has a right to know the price quoted by all the participating vendors as per the tender norms. He requested the Commission to direct the CPIO to provide the information sought under point no. 1 of the RTI application.

**Hearing:**

3. The appellant was not present despite notice. The respondent, Shri J.K.B. Menon, AGM, UCO Bank, Circle Office, Nariman Point, Mumbai attended the hearing through audio conferencing.



4. The respondent submitted that information on point no. 1 was not furnished to the appellant as the information sought for is in the nature of comparative statement of price-bid and the same cannot be divulged as it is held by the bank in a fiduciary capacity. Hence, it is exempted from disclosure under Sections 8(1)(e) of the RTI Act.

**Decision:**

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that the Division bench of Jharkhand High Court, in *State of Jharkhand v. Navin Kumar Sinha and Anr.*, AIR 2008 Jharkhand 19 dated 08/08/2007, has held as under:

*“26.....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 tenderor or a bidder is decided, then those tender documents cannot be 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.”*

It is further noted that the aforementioned decision was challenged before the Hon'ble Supreme Court of India in SLP (C) No. 18030/2007 and dismissed on 5th October, 2007.



# भारतीय नौवहन निगम लिमिटेड

(भारत सरकार का उद्यम)

पंजीकृत कार्यालय : शिपिंग हाउस, 245, मादाम कामा रोड, मुंबई-400 021.

फोन : 91-22 2202 6666 • फैक्स : 91-22 2202 6905

ई-मेल: mail@sci.co.in • वेबसाइट : http : // www.shipindia.com

## The Shipping Corporation Of India Ltd.

(A GOVERNMENT OF INDIA ENTERPRISE)

Regd. Office : Shipping House, 245, Madame Cama Road, Mumbai-400 021.

Phone : 91-22 2202 6666 • FAX : 91-22 2202 6905

E-mail : mail@sci.co.in • Website : http : // www.shipindia.com

CIN: L63030MH1950GOI008033

PADir/22.2/L-46/07/17

12.07.2017

Name of the Appellant : Shri Amol C. Naik  
 The matter was heard on : 21.06.2017 @ 1530 Hrs.  
 Venue : D (P&A)'s Chambers, SCI H.O., Mumbai

### Order

The appeal of Shri Amol C. Naik, is taken up by the undersigned on 21.06.2017 at 1530 Hrs. in the chambers of D (P&A). Shri Dipankar Haldar, PIO, Shri S. Pattanaik, GM (P&S), is present. The appellant is present.

2. Shri Amol C. Naik vide his letter received on 16.05.2017 has appealed against the decision of the PIO communicated vide letter Ref: A10-SEC-BD-5005/RTI-1237 dated 08.05.2017.

3. The appellant, vide his RTI application, has asked about total tenders issued by Purchase Dept. under category of printing and stationary supplies at SCI office between 01.01.2017 and 27.04.2017 along with its certified copies, parties informed on email about these tenders and no. of times M/s Frontline Enterprise was informed of these tenders. The PIO has stated that the details are maintained in the system and the appellant can visit SCI Office and check the same. He has also stated that the tenders are floated as open tenders which can be viewed by any tenderer.

4. On perusal of records, FAA observes that the information as asked by the appellant has not been provided. Therefore, PIO is hereby directed to review the RTI application

afresh as per the provisions of the RTI Act and provide the information asked by the appellant in 15 days hereof.

5. The appeal is disposed off accordingly.
6. Indian Postal Order of Rs. 20/- enclosed by the appellant with his appeal is returned herewith.

  
Capt. B. B. Sinha  
Appellate Authority

Shri Amol C. Naik  
Frontline Enterprises,  
130, Modi Street,  
Lokhandwala Buidling,  
1<sup>st</sup> Floor, Fort,  
Mumbai – 400001

Cc: - The PIO, Pls.