



इरकॉन इंटरनेशनल लिमिटेड



सिविल, मैकेनिकल, इलैक्ट्रिकल, कम्युनिकेशन्स और टर्नकी कान्स्ट्रक्टर्स
(भारत सरकार का उपक्रम)

IRCON INTERNATIONAL LIMITED

Civil, Mechanical, Electrical, Communications and Turnkey Contractors
(A Govt. of India Undertaking)

OFFICE OF THE CENTRAL PUBLIC INFORMATION OFFICER

NO. IRCON/PIO/CO/RTI/05/760/95

Dated: 24.10.2016

By Post

Shri L.D. Agarwal
50-C, Block 'C', Ground Floor,
New Alipore,
Kolkata - 700053

Dear Sir,

I. Date wise Events:

- Date of Application : 31.08.2016
- Date of receipt of application : 04.10.2016

II. Juxta position of the information sought by the applicant and the reply of deemed PIO is as under:

S.No.	Information sought by the Applicant	Remarks
1.	CVC vide its Circular No.17/07/09 issued under ref. no. 005/VHL/4 dated 14.07.09 had directed ensuring posting of details of tenders on websites. Kindly confirm that units of PSU have already been advised to implement the guidelines as per the directions of CVC by your office. Copy of your circular on the matter may be provided to me. In case it has not yet been implemented till now please let me know what is your programme for its implementation.	It has been implemented in Ircon. For details please refer website of Ircon i.e. www.ircon.org .
2.	CVC vide its circular no. 23/07/2007 issued under letter no.005/CRD/19 dated 5 th July 2007 had advised all concerned to go for tendering process and to avoid contracts on nomination basis as per the provisions of Constitution, Orders by Hon'ble Supreme Court and the need for transparency. Kindly confirm that various units of your PSU has already been advised to implement the guidelines as per the directions of CVC by your office. Copy of your circular on the matter may be provided to me. In case it has not yet been implemented till now please let me know what your programme for its implementation is.	It has been implemented in Ircon.

OK

*Issue fair please
Back to RTI Cell.*

रजि. कार्यालय : सी-4, डिस्ट्रिक्ट सेंटर, साकेत, नई दिल्ली - 110017, भारत
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Tel.: +91-11-29565666 Fax: +91-11-26854000,26522000
E-mail: info@ircon.org Web: www.ircon.org
CIN- U45203DL1976GOI008171

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24/10/16
A01HR07*

3.	<p>Please provide me the following figures for award of contract / purchases made for the financial years 2012-13, 2013-14, 2014-15 by your various Units as under: -</p> <table border="1" data-bbox="298 349 1089 568"> <thead> <tr> <th data-bbox="298 349 630 456">Financial Year</th> <th data-bbox="630 349 789 456">Total purchases made (Rs.)</th> <th data-bbox="789 349 1089 456">Purchases made on single offer / nomination basis (Rs.)</th> </tr> </thead> <tbody> <tr> <td data-bbox="298 456 630 495">Financial Year 2012-13</td> <td data-bbox="630 456 789 495"></td> <td data-bbox="789 456 1089 495"></td> </tr> <tr> <td data-bbox="298 495 630 533">Financial Year 2013-14</td> <td data-bbox="630 495 789 533"></td> <td data-bbox="789 495 1089 533"></td> </tr> <tr> <td data-bbox="298 533 630 568">Financial Year 2014-15</td> <td data-bbox="630 533 789 568"></td> <td data-bbox="789 533 1089 568"></td> </tr> </tbody> </table>	Financial Year	Total purchases made (Rs.)	Purchases made on single offer / nomination basis (Rs.)	Financial Year 2012-13			Financial Year 2013-14			Financial Year 2014-15			<p>Contract & Arbitration Cell has not awarded contracts / made purchases on single offer / nomination basis during the Financial Years 2012-13, 2013-14 & 2014-15.</p>
Financial Year	Total purchases made (Rs.)	Purchases made on single offer / nomination basis (Rs.)												
Financial Year 2012-13														
Financial Year 2013-14														
Financial Year 2014-15														
4.	<p>Please also provide me the details of purchases made on single offer / nomination / proprietary / OEM basis by your Units including P.O. No., Date, amount, Name of Vendor, Brief Description of material and quantity thereof, preferably on Excel Format to my email id or on CD for which I will arrange payments as per the provision of the RTI Act 2005.</p>	<p>Contract & Arbitration Cell has not made purchases on single offer / nomination / proprietary / OEM basis. Tender is decentralized in Ircon.</p>												

III. Discussion:

1. As regards to item 3 and 4, Applicant is advised that Ircon is a construction Company executing projects in India and abroad. All the projects of Ircon are Independent. In terms of section 2(f) of RTI Act, Public Authority can provide the information as available in their records. Public Authority is neither required to create fresh information in the format designed by the Applicant nor required to deploy additional resources for collection and collation of the information in terms of Section 7(9) of the RTI Act 2005. This has been accepted by Hon'ble Supreme Court in CBSE Vs Aditya Bandopadhyay, the extracts of the judgment are quoted below::

“It is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analyzed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the Public authority, to collect or collate such non-available information and then furnish it to an applicant.

.....

Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its

citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing information furnishing', at the cost of their normal and regular duties."

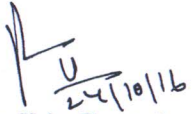
IV. Decision:

1. Applicant has been supplied the information for Item nos. 1 to 2. Information regarding item nos. 3 and 4 of the application is not available in a consolidated manner in the records of the public authority. Hence, in terms of rule 7(9) of RTI Act-2005, this cannot be provided.
2. Applicant can seek information regarding specific project/contract by making a fresh application.

V. Right of Appeal

If applicant is not satisfied with the information provided by CPIO, he can file an appeal to the 1st Appellate Authority within 30 days of the issue of this letter in terms of Section 19 of the Right to Information Act, 2005. Particulars of 1st Appellate Authority are as under:


Mr. Anil Jain,
Appellate Authority & Executive Director/Works
Ircon International Limited,
Plot No. C-4, District Centre,
Saket, New Delhi – 110 017
Tel. No. 011-26530470
Fax: 011-26854000 & 26522000


24/10/16

(Randhir Gupta)
Central Public Information Officer &
General Manager (Mech.)

Address of the parties

1. GM/C&A, Ircon, Corporate Office, Saket, New Delhi-110017 for kind information.

प्रेषित / Dispatched
दिनांक / Date 25.10.16
हस्ता. / Sign. 
इरकॉन / IRCON