



डेडीकेटेड फ्रेट कोरीडोर

**Dedicated Freight Corridor Corporation of India Ltd.**

(A Government of India Enterprises)

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**No.HQ/PIO/RTI/143/14**

**Date: 31.07.2014**

**Shri Rupender Sinhmar,**

4, Aradhna Enclave,  
R.K. Puram, Sector-13,  
Opposite Hotel Hyatt,  
New Delhi-66.

**Sub:** Information under RTI Act- 2005

**Ref:** Your 1<sup>st</sup> appeal dt: 16.07.2014, received on 16.07.2014.

After carefull consideration of your appeal, on the above noted subject, remarks are furnished as under:-

S.No.	Comments
8. A), B), C)	<p>You are factually incorrect in assuming that any information – during an ongoing Bidding process- regarding details of constituents of Applicants for WDFC contract Package is available in Public domain. Had that been the case, this item would not have figured on the your referred application.</p> <p>You are also factually incorrect in assuming that any information – during ongoing bidding process – regarding acceptance of Bids submitted by individual Bidders for a WDFC Contract Package is in public domain.</p> <p>Acceptance of Bids (Submitted by individual Bidders) is linked with Bid Evaluation process and it is self explanatorily clear that any disclosure of information regarding and ongoing Bid Evaluation process is likely to jeopardize the competitive Position of respective Bidders.</p>
8. D)	<p>Your narration as to the last date of Submitting the Bid and the DFC being an important Contract for the Nation is factually incorrect.</p>
8. E), F), G), H) I)	<p>You – while reproducing the RTI Section 8.1 (d) which, inter alia, mention (There shall be no obligation to give any citizen (information) which would;) “harm the competitive position of third party”, in sub Para no.-8.E) of First Appeal – does not mention the aforesaid sub part of the referred section in ensuing Para of the First Appeal 8.F).</p> <p>Your contention that PIO has not given any reason for denial of information is factually incorrect as in the response, PIO has clearly mentioned that “<i>The information sought forms a vital part of ongoing Bidding process and its disclosure would jeopardize the competitive position of respective Bidders. Hence, denied under Clause no.8.1(d)</i>”.</p> <p>You have cited decisions given by Central Information Commision (CIC) in two separate Appeal cases. Both are not applicable in the captioned case as: While, in the former case, CIC takes exception to the contention placed before it that complaints received from third Party would harm the Cometicitive position of the third Party, in the latter case, CIC clearly mentions “we also understand that the Bid Process is now over.....”</p> <p>It hardly needs elaboration that while the former case is out of context with the captioned applciation, in the second case, CIC has clearly specified that Bid Process was over which in the captioned case, is not.</p>

8. J)	<p>Your contention that PIO has denied information being hypothetical in nature is out of context and lacks proper appreciation. PIO has simply stated that answering (hypothetical) questions does not constitute Information's defined under section 2(f) of the RTI Act. The same has been upheld by Commission is decision no. CIC/SM/A/2011/002976 dt. 24.09.12 in the case of Sh. Sandeep Kumar v/s DOPT.</p> <p>As regards, the aforesaid questions being hypothetical, the ifnoramiton sought under item no.-2, 4, &amp; 5 (with item no.-3 &amp; 6 of referred RTI application, in turn being interlinked with questions posed vide item no.-2 and item no.-5) of referred RTI application seek answers to questions stemming from hypothetical situations without any bakcing by facts in public domain.</p>
8. K)	<p>You, by mentioning that you have received 'Nil' or 'Misleading' information has been factually incorrect regarding the information supplied being misleading because the Information sought has, justifiably, been provided under the extant RTI sections.</p>

Accordingly your appeal is disposed off.

  
 (Umesh Kumar Varine)  
 GGM/Admn.

Copy to: GGM/PWC