

(2008) 04 JH CK 0105
In the Jharkhand High Court

Jharkhand State Forest Development Corporation Ltd. and
Another

APPELLANT

Vs

Jeetendra Kumar Singh and Another

RESPONDENT

Date of Decision : 17-04-2008

Acts Referred:

Citation : AIR 2009 Jhar 30 : (2008) 3 JCR 42 : (2009) 1 RCR(Civil) 771

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

N.N. Tiwari, J.—In this writ petition, the petitioners have prayed for quashing the order dated 1st November, 2007 passed by the State Information Commissioner in Appeal No. 506 of 2007, whereby the petitioner has been asked to furnish the details, as mentioned in Item Nos. 8 and 17 of the Information sought by the applicant-Respondent No. 1 under the Right to Information Act. The petitioners have also prayed for quashing the order dated 5th October, 2007 passed in the said appeal by which also the petitioners were asked to furnish the said information.

2. Main grievance of the petitioners is that the information, which has been sought in the said items, is regarding disclosure of the Reserve Price fixed by the petitioners for the period 2002 to 2006 for sale of Kendu Leafs lots and minutes of the meeting of the Board of Directors. According to the petitioners, the said information cannot be furnished, as the same are trade Secret and commercial confidence and disclosure will not be in the public interest.

3. I have heard learned Counsel for the petitioner and perused the orders passed by the learned State Information Commissioner and the appellate authority. On going through the orders, I find that the said points were taken before the learned State Information Commissioner, who had considered the same and held that the information asked for by the applicant-respondent No. 1 particularly,

Item Nos. 8 and 17, is not of the nature which cannot be furnished. It has been contended that the main object of the said Act is to bring transparency in the public functioning and the said information cannot be withheld. The Commissioner has directed the petitioners to furnish the information, as required by the applicant-Respondent No. 1 in his application at item Nos. 8 and 17. The only ground taken by the petitioner before this Court is that the State Information Commissioner cannot force disclosure of the said information, which comes within the commercial confidence and trade secret of the petitioner Corporation.

4. When this case was taken up earlier, the petitioners took time to show the provision that the information sought by the applicant--respondent No. 1 at item Nos. 8 and 17, come within the commercial confidence and trade secret and the State Information Commissioner has no jurisdiction to direct disclosure of the same. On the said ground, the petitioners have taken adjournments at least four times.

5. When the case is taken up today, no such provision could be shown by the petitioners to show that the information sought at item Nos. 8 and 17 by the applicant Respondent No. 1 come within the meaning of commercial confidence and trade secret or the same come within the exception, which cannot be directed to be disclosed by the State Information Commissioner exercising their statutory power under the Right to Information Act. The petitioners, thus, could not substantiate the point taken in the writ petition.

I, therefore, find no merit in this writ petition, which is, accordingly, dismissed. Petition dismissed.