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बिहार राज्य भवन निर्माण निगम लिमिटेड

An ISO 9001:2008, 14001:2004 & OHSAS 18001:2007 Certified Company

बिहार सरकार का एक उपक्रम

वेबसाइट: www.bsbcl.bih.nic.in

BIHAR STATE BUILDING CONSTRUCTION CORPORATION LTD.

An ISO 9001:2008, 14001:2004 & OHSAS 18001:2007 Certified Company

A Government of Bihar Undertaking

Website: www.bsbcl.bih.nic.in

पत्रांक:- बी0एस0बी0सी0सी0एल0-6M(NB)-933/15-(V)-929(सु) दिनांक:- 09/05/2020
प्रेषक,

लोक सूचना पदाधिकारी (मुख्यालय)

बिहार राज्य भवन निर्माण निगम लि0, पटना।

सेवा में,

सभी क्षेत्रीय उपमहाप्रबंधक-सह-लो0सू0प0 (पी0आई0यू0),

परियोजना कार्यान्वयन इकाई,

बिहार राज्य भवन निर्माण निगम लि0

विषय:- सूचना के अधिकार के तहत आवेदक श्री पूर्णेन्दु प्रकाश द्वारा दायर द्वितीय अपील के संबंध में।

प्रसंग:- आवेदक श्री पूर्णेन्दु प्रकाश का द्वितीय अपील आवेदन दिनांक-23.03.2020 (आई0डी0 संख्या-1044, दिनांक-04.05.2020)

महाशय,

उपर्युक्त विषय एवं प्रसंग के आलोक में कहना है कि आवेदक श्री पूर्णेन्दु प्रकाश द्वारा पूर्व में सूचनावेदन दिनांक-14.11.2019 (आई0डी0 संख्या-4057, दिनांक-16.11.2019) द्वारा सूचना की मांग की गई थी। उक्त के कम में निगम मुख्यालय स्तर से उन्हें पूर्व में कमांक-1 से संबंधित सूचना उपलब्ध कराई गई थी। तत्पश्चात उपलब्ध कराये गये सूचना से असंतुष्ट रहने पर उनके द्वारा पहले प्रथम अपील तथा फिर द्वितीय अपील दायर की गई है। चूंकि सूचना आपके कार्यक्षेत्राधीन है अतएव संलग्न सूचनावेदन एवं द्वितीय अपील आवेदन के आलोक में कमांक-1, 2, 3 एवं 4 से संबंधित सूचना अविलंब अधोहस्ताक्षरी को उपलब्ध करायें।

अनु0:-यथोक्त।

विश्वरत्नभाजन,

08/05/2020

(लोक सूचना पदाधिकारी)

बि0रा0भ0नि0नि0लि0, पटना।

1044
04/05/2020

PM
04/05

Second Appeal

To,
The Bihar State Information Commissioner
Fourth Floor, Sookhna Bhawan
Bailey Road
Patna-800015

23/03/2020

Sub: My RTI application dated 14/11/2019 to the PIO, Headquarters of Bihar State Building Construction Corporation, Patna-800023

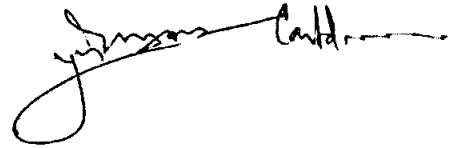
Sir,

As I received incomplete information from Public Information Officer (Part reply of point No-1 of my RTI application) vide letter No. BSBCCL-GM(Hq)-933/15-(V)-3638(अन) dated 14/12/2019, I filed my First appeal dtd 14/01/2020. The PIO had already given me the hint about his mala fide intention with regard to supply of information related to point-1 of my RTI application through his letter No. BSBCCL-GM(Hq)-933/15-(V)-3491(अन) dated 27/11/2019. Copy of this letter addressed to the GM, North & GM, South, was forwarded to me which, by referring a hypothetical/non-existent paragraph-3(क) of the RTI Act, 2005, held that information should be provided regarding point-1 only of my RTI application and i have to submit three different RTI applications for other 3 points (point No.-2, 3 & 4 of my RTI application). A self attested photocopy of this letter is enclosed herewith as Annexure-V. The PIO, having an amazing judicious mind, wrongly interpreted the points of my RTI application as from different subject. It is a brand new modus operandi of a PIO. It is the result of the very sympathetic & lenient attitude of the Bihar State Information Commission in general & Commissioners like Sri Om Prakash in particular; towards the wrongs of PIOs, FAAs & public authorities. Besides this, **when the guardian of Indian laws means the higher judiciary have misinterpreted & are regularly misinterpreting provisions & intent of the Indian Constitution why not the wards (PIOs, FAAs & state public authorities) copy the same action? It is the height of misinterpretation.** Perhaps the PIO intended to quote & misinterpret Section-3(क) of the Bihar Right to Information (Amendment) Regulations 2009. The main intention of the PIO is to weigh the knowledge of an RTI applicant by misinterpreting the provisions of the RTI Act and if the RTI applicant is found having less knowledge of the Act, then harass him & deny the information sought by him either in total or in part. So I filed my First Appeal. Decision of the First Appellate Authority (FAA) justifying & supporting the decision of the PIO, is received by me on 25/01/2020 vide letter No. BSBCCL-GM(Hq)-933/15-174(अन) dated 23/01/2020. You can weigh the knowledge of the FAA from the fact that he has returned the postal order of Rs.10/- to me which was submitted as the fee of the First Appeal. So I preferred this second appeal.

The particulars of my application is as under:-

1. Name of Appellant : Purnendu Prakash
2. Address : Kunj Bhawan , Road No. 15
West Patel Nagar , Near Ravi Chauk,
Patna-800023
3. A) Name of the Public Information Officer: General Manager, Headquarter

Copy of the PSD



B) Address of the Public Information Officer : Bihar State Building Construction Corporation,
Hospital Road, Rajbanshinagar, Patna-800023

C) Particulars of the decision against which the Appeal is preferred: Incomplete information
I Filed an RTI application dated 06thFeb 2018 through which I sought information--

1. Provide me the number of job works of civil & electrical works tendered by the Corporation
in each financial year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19. Provide me a
copy of each & every NIT (Notice Inviting Tender) preferably in a pen drive.

Reply: The PIO forwarded a CD (Compact Disc) containing soft copy of NITs (notice inviting
tenders) through his letter No.BSBCCCL-GM(Hq)-933/15-(V)-3638(ANU) dated 14/12/19
without mentioning the number of job works of civil & electrical works tendered. Thus
first part of my first query was not answered. It is worth mention that no information
with regard to my second, third & fourth query were provided.

2. Provide me the number of job works of civil & electrical works awarded, with respective
Agreement numbers & specified time period of completion as per NIT, in each financial year
2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19. Provide me a copy of each & every
Work-Order preferably in a pen drive. PM

3. Provide me the list of works which were not completed within the specified period (as per
NIT), awarded in financial year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19.

4. Provide me the amount of Liquidated Damage (against delay) with respective name of
works from above list.

B) Period for which information is sought: 2013-14 to 2018-19

4. Date of Application submitted in Form A : 14/11/2019

5. Decision of PIO vide Letter No. : Incomplete information vide letter No. BSBCCCL-GM(Hq)-
933/15-(V)-3638(अन) dated 14/12/2019

5. Date of First Appeal : 14/01/2020

7. Decision of 1st Appellate Authority: Justifying & supporting the decision of the PIO vide letter
No. BSBCCCL-GM(Hq)-933/15-174(अन) dated 23/01/2020

8. Ground for Appeal -- Incomplete Information is provided by misinterpreting the provision of
the RTI Act.

9. Last date for filing the appeal-- 24/04/2020

10. Prayer/reliefs sought for-- i) Information sought by me shall be provided at the earliest.
ii) The PIO & the FAA shall be punished with most stringent punishment.

11. Grounds for prayer/relief -- These nasty tricks are played repeatedly by the PIOs & well
supported by FAAs to deny information sought. A glaring example
in this regard is the averment of the PIO of the Chief Minister Secretariat, Bihar
that he provide information to RTI applicants through "SADHARAN DAK". This is against
the essence of the Act. If allowed, I shall submit many examples of this misconduct.

So, by punishing the CPIO & 1st Appellate Authority with appropriate punishment, your-
self shall save the soul & objective of the Act.

Self-attested copies of the letter addressed to the GM, North & GM, South dated 27/11/19; my RTI application dated 14/11/19, reply letter of the PIO dated 14/12/19, my first Appeal dated 14/01/2020 & Order of the First Appellate Authority (FAA) dated 23/01/2020 are annexed herewith for your kind perusal, marked as V, W, X, Y & Z respectively.

Copy of this appeal (without annexure) is forwarded to the CPIO , Bihar State Building Construction Corporation, Patna-23.

I enclose herewith postal order No.52F 676507 of Rs.10/- , issued on 12/03/2020 by GPO (General Post Office), Patna as the fees. The column of "Pay To" of postal order is left blank so that you can fill up the appropriate designation there.

I hereby state that the information & particulars given above are true to the best of my knowledge and belief.

Place : Patna

Date : 23/03/2020

Copy for The Public Information Officer
BSBCL Hqrs, Patna-23
23/03/2020



Signature of Applicant

PURNENDU PRAKASH

e-mail : ssenterpp@gmail.com

Address: Kunj Bhawan , Road No. 15
West Patel Nagar , Near Favi Chauk
Patna-800023

Form - A

Application form for obtaining information

Date: 14/11/2019

To,

The Public Information Officer, Headquarters of
Bihar State Building Construction Corporation
Hospital Road, Rajbanshinagar, Shastrinagar
Patna- 800023

Name of Applicant : Purnendu Prakash

Full Address : Kunj Bhawan , Road No. 15
West Patel Nagar , Near Ravi Chauk
Patna-800023

Particulars of Information required (in brief):


1. Provide me the number of job works of civil & electrical works tendered by the Corporation in each financial year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19. Provide me a copy of each & every NIT (Notice Inviting Tender) preferably in a pen drive.
2. Provide me the number of job works of civil & electrical works awarded, with respective agreement numbers & specified time period of completion as per NIT, in each financial year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19. Provide me a copy of each & every Work-Order preferably in a pen drive.
3. Provide me the list of works which were not completed within the specified period (as per NIT), awarded in financial year 2013-14, 2014-15, 2015-16, 2016-17, 2017-18 & 2018-19.
4. Provide me the amount of Liquidated Damage (against delay) with respective name of works from above list.

As per my knowledge & belief, the information sought does not fall within the restrictions contained in Section-8 & 9 of the act.

I enclose herewith postal order No.49F 186012 of Rs.10/-, issued on 11/10/2019 by GPO, Patna as the fees. The column of "Pay To" of postal order is left bank so that you can fill up the appropriate designation there.

Place : Patna

Date : 14/11/2019


Signature of Applicant

e-mail : ssenterpp@gmail.com

Address: Kunj Bhawan , Road No. 15
West Patel Nagar , Near Ravi Chauk
Patna-800023