In the matter of Right to Information Act, 2005 – Section 19.
[Hearing on 17.10.2006 at 4 p.m.]

Appellant: Vimal Bajpai, Samsung India Electronic Ltd.

Public authority: Ministry of Commerce & Industry (DGFT)
Shri R.N. Meena, DDG & CPIO
Shri N.K. Gupta, Addl. Director General (Foreign Trade) & Appellate Authority

Present: Shri Neeraj Kr. Gupta, Addl. DGFT
Shri S.K. Samal, Joint DGFT

For Respondent:
Shri Vimal Bajpai
Shri A.A. Madhav Rao
Shri Vishwanath Shukla.

FACTS:

By an applications dated 18.10.2005 & 14.12.2005, addressed to the CPIO, the appellant had sought information regarding (i) names and addresses of parties who exported CRT display monitors for the years 2001-2004, and (ii) the actual calculation sheets of DEPB rates available with DGFT year wise from 2001 to 2004. By communication dated 23.12.2005, the CPIO informed the appellant that as per departmental policy, the information sought in serial No. (i) cannot be disclosed and that in regard to the information sought in serial No 2, the same was not available and as such could not be furnished. On appeal, the appellate authority held that the information sought in serial No (i) was exempt under Section 8(1)(d) and that the information sought under serial No (ii) was not available. Hence the present appeal.

2. The appeal was heard on 17.10.2006. The counsel appearing for the appellant submitted that both the information sought should be furnished to the appellant as the same is necessary to find out the basis on which the DGFT has decided the rates of DEPB. In case no information is available in respect of serial No (ii), it would only mean that without any basis, the DEPB
rates are fixed. The public authority argued that non disclosure of the details of the exporters/importers is fully covered under Section 8(1)(d), and in so far as the calculation of DEPB rates is concerned, the information could not be furnished as the same is not available. It was also informed that suitable instructions have been issued to maintain calculation sheets in future.

**DECISION:**

3. In so far as the information relating details of importers/exporters is concerned, I uphold the decision of the Appellate authority. In so far as the calculation sheets for DEBP is concerned, the same has to be determined on the basis of a certain formula and as such even if the calculation sheets are not available, the basis on which the same was determined must be available. In the rejoinder to the comments, as an alternative to the calculation sheets, the appellant has sought for certain other information relevant to the determination of DEPB rates. As directed during the hearing, the CPIO will collect a copy of the rejoinder and whatever information is available as sought for in the rejoinder, the same be provided to the appellant within 15 days and an affidavit in compliance should be filed within a week thereafter.

4. Let a copy of this decision be sent to the appellant and CPIO.

(Padma Balasubramanian)
Information Commissioner

Authenticated true copy:

(L. C. Singhi)
Addl. Registrar

Address of parties:

1. Shri R.N. Meena, Deputy Director General & CPIO, Directorate General of Foreign Trade, Department of Commerce, Udyog Bhawan, New Delhi.

2. Shri N. Gupta, Additional Director General & Appellate Authority, Directorate General of Foreign Trade, Department of Commerce, Udyog Bhawan, New Delhi.