



RIGHT TO INFORMATION ACT-2005

**Kamadhenu Super Market, 1st Floor, No.378, Anna Salai,
Teynampet, Chennai – 600018.
Telephone:24357580**

Case No. 24234/ Enquiry / 2009

Date of hearing on 27.01.2010

Present :

**Thiru T. Srinivasan, M.Sc.,
State Information Commissioner.**

Petitioner:

**Thiru M, Ramesh Kumar,
Tessco City,
Madurai - Melur Four Way Main Road,
Thamaraipatti,
Chittampatti Post,
Madurai - 625 122.**

Public Authority:

**The Public Information Officer,
Department of Geology and Mining,
Collectorate,
Erode.**

**The Public Information Officer/
Deputy Director(Mines),
O/O the Directorate of
Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.**

The petitioner Thiru M. Ramesh Kumar was not present. Thiru A. Kalaiselvan, Assistant Director, Geology and Mining Department, Erode was present during the enquiry held on 27.01.2010.

On 25.05.09 the petitioner approached the Public Information Officer, Department of Geology and Mining, Erode seeking information under 8 main items. On 26.06.09 the Public Information Officer furnished the information to the petitioner and rejected to give information for Item No.7 quoting Section 8(1)(d) of the Right to Information Act,2005. On 08.07.09 the Petitioner made an appeal to the Appellate Authority stating that the Public Information Officer has failed to provide information for item No.7. On 03.09.09, the Appellate Authority informed the petitioner that the information contained in the mining plan could not be disclosed to third parties and upheld the reply furnished by the Public Information Officer . Aggrieved by this, the Petitioner made an appeal to this Commission on 24.09.09 and this petition was taken up for enquiry to-day (27.01.2010).

Since the petitioner was not present, enquiry was conducted with the Public Information Officer on the points raised by the petitioner in his Appeal petition. During the enquiry, the Public Information Officer informed that the Quarry address is available on records and this can be provided to the petitioner. The Public Information Officer also informed that in the Mining Plan sent by the lessees there is a mention about the depth of estimated reserve of the mine. In the Inspection Report of the Department only the inferred depth of the mine is available. The petitioner in his petition dated 25.05.09 has asked about the depth of mining approved in the mining plan and this can be given from the approved Mining Plan. Regarding item No. 7(b) the depth of water table as available in the Approved Mining Plan can be given to the petitioner. The Public Information Officer argued that the Mining Plan is a Commercial Document given by the lessees to the Department and kept it as a Commercial Confidence . As per Section 8(1)(d) of the Right to Information Act, 2005 the petitioner was informed by the Public Information Officer that the details could not be furnished to him. The information sought for in query No.7 do not fall under Section 8(1)(d) of the Right to Information Act, 2005. The Public Information Officer's contention was rejected by the Commission on the ground that the information sought by the petitioner is not a commercial confidence. At the end of the enquiry , the Commission ordered as follows:

The Public Information Officer, Erode is directed to supply the information sought by the petitioner at free of cost for query No. 7 within 10 days from the date of receipt of this order and send a compliance report to the Commission.

**Orders approved this day 3rd Feb. 2010.
Under the Orders of the Commission.**

STATE INFORMATION COMMISSION

**(S, MOHANA DHAS)
ASSISTANT REGISTRAR**

Case No. 24234/09

**To
The Public Information Officer,
Department of Geology and Mining,
Erode District.**

**The Public Information Officer/
Deputy Director of Mines,
O/O the Directorate of Geology and Mining,
Industrial Estate,
Guindy,
Chennai - 600 032.**

**Thiru M, Ramesh Kumar,
Tessco City,
Madurai - Melur Four Way Main Road,
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