

Appeal under the Right to Information Act filed by M/s. Bombay Environmental Action Group against the order dated 3rd June 2008 of the Information Officer, Maharashtra Maritime Board

ORDER

The applicants had made an application seeking the following information:

1. A copy of the BOOST agreement signed with Amma Lines Ltd.
2. Have any studies been conducted on the impact of dredging and reclamation that is to be undertaken for the development of the port? If yes a copy of the same.

The order of the Chief Ports Officer and Information Officer dated 3rd June 2008 is annexed and this is now under appeal.

The appellants have contended that the refusal of the contained document under section 8.1(d) was not appropriate in view of the following:

1. That the agreement entered into the Maharashtra Maritime Board is a commercial agreement between a government entity and a private enterprise and the terms of such an agreement are;
 - a. First a matter of public interest and cannot be subject to confidentiality and
 - b. Second, it is not clear how "the disclosure of a copy of the agreement would harm the competitive position of the third party", especially when the contract has already been awarded.
 - c. "In similar circumstances as for example between the Pondicherry port authority and the party building the port, the agreements have been supplied."

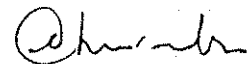
A personal hearing was fixed in the appeal and Hema Ramani appeared.

The agreement between port developer and Maharashtra Maritime Board are standard document which are being made applicable to all port development. In view of the above, before arriving at his decision, the Information Officer should have actually issued notice to third party namely M/s. Rewas Port Limited and obtained their say as to how the disclosure would if at all, harm their competitive position.

In view of this matter is remanded to Information Officer for giving a hearing to M/s. Rewas Port Limited and take a considered view in the matter.

NO. MMB/Planning Br./RTI/1161

Date: - 05th July, 2008



Chief Executive Officer,
Maharashtra Maritime Board

Copy to:

- > The Bombay Environmental Action Group, 9 St. James Court, Marine Drive, Mumbai 400 020.
- > Information Officer and Chief Ports Officer, Maharashtra Maritime Board, Mumbai
- > M/s. Rewas Port Limited, Jai Centre, 1st floor, 34, P.D'Mello Road, Opp. Red Gate, Mumbai 400009.