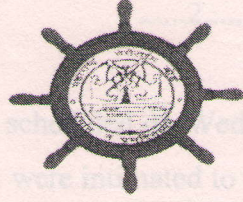


महाराष्ट्र मेरीटाईम बोर्ड
(महाराष्ट्र शासनाचा उपक्रम)
इंडियन मर्कटाईल चेंबर्स, 3रा मजला,
रामजीभाई कमानी मार्ग, बेलार्ड इस्टेट,
मुंबई - 400 038
फोन:- 22658375, 22611734,
फॅक्स:- 22614331



MAHARASHTRA MARITIME BOARD
(A GOVT. OF MAHARASHTRA UNDERTAKING)
Indian Mercantile Chambers, 3rd Floor,
Ramjibhai Kamani Marg, Ballard Estate,
Mumbai- 400 038.
Tel: - 22658375, 22611734
Fax: - 22614331

**BEFORE THE CHIEF EXECUTIVE OFFICER-CUM-APPELLATE AUTHORITY,
MAHARASHTRA MARITIME BOARD**
Appeal under section 19(2) read with section 11(4) of RTI Act,2005

Sub:- Hearing held on 08.04.2009 at 1600 hrs. in respect of appeal filed
by M/s Rewas Port Ltd. on Information officer's order dtd 16.9.2008
in case of application submitted by Bombay Environmental Action Group
under Right to Information Act,2005

Ref:- (1) Chief Executive Officer-cum-Appellate Authority's order no.

MMB/Planning Br./RTI/1161, dtd. 5.7.2008

(2) Chief Ports Officer-cum-Information Officer's order no. MMB/
Planning/RTI/1321, dtd. 1.8.2008.

(3) Joint hearing held on 11.9.2008

(4) Chief Ports Officer-cum-Information Officer's order no. MMB/
Planning/RTI/1629, dtd. 16.9.2008

(5) Appeal filed by M/s Rewas Port Ltd. dtd. 26.9.2008

In response to Chief Ports Officer-cum-Information Officer's order dtd. 16.9.2008
at sr. no. (4) above, M/s Rewas Port Ltd. (RPL) filed an appeal with Chief Executive
Officer-cum-Appellate Authority of MMB under section 19(2) read with section 11(4) of
Right to Information Act, 2005 vide appeal dtd. 26.9.2008 with a request to quash and set
aside the said order.

The hearing of the above-mentioned appeal before the Appellate Authority was
scheduled on 21.10.2008 at 1100 hrs. vide this office letter no.
MMB/Planning/RTI/BEAG/1792, dtd. 14.10.2008. However, the same could not be
conducted due to some unavoidable circumstances.

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The hearing was again scheduled on Wednesday 08.04.2009 at 1600 Hrs. and both the parties i.e. BEAG and RPL were intimated to remain present for the hearing vide MMB letter no. MMB/Planning/RTI/621, dtd. 6.4.2009. The following personnel on behalf of BEAG and RPL attended the hearing conducted by Chief Executive Officer-cum-Appellate Authority with Chief Ports Officer-cum-Information Officer in attendance.

Bombay Environmental Action Group (BEAG):

- (1) Mr. Navroz Modi- Vice President
- (2) Ms. Hema Ramani- Activist

Rewas Port Ltd. (RPL):

- (1) Mr. Surendra Dash- Asst. Vice President
- (2) Mr. Siva Kumar U. S. - Dy. General Manager

At the outset, Chief Executive Officer-cum-Appellate Authority heard both the parties.

Mr. Modi from BEAG requested for a copy of the BOOST Agreement (i.e. Concession Agreement) executed between Amma Lines Ltd. and Maharashtra Maritime Board for development of Rewas-Aware Port. He further stated that under Right to Information Act, 2005, anybody can ask for this information. BEAG wants to know the project details and the obligations with which M/s RPL and the State Government are bound by, because they think that there will be some issues arising out of it and also want to know environmental impact because it is an environmentally sensitive area. Mr. Mody also stated that this involves larger public interest.

Mr. Das from RPL stated that they have reservations for providing copy of the said BOOST agreement because it contains commercial and confidential information. He told the Appellate Authority that if a copy of Agreement is given to the BEAG, it will harm their commercial interest. There are other competitors in the area. Then he drew the attention to section 8(1)(d) of the RTI Act, 2005 which makes it clear that notwithstanding anything contained in the Act that the public authority shall be under no obligation to give to any citizen any information including commercial confidence, the disclosure of which, would harm the competitive position of the third party. He further stated that the applicant had not established that there is a public interest in asking for copy of this agreement.

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:-DECISION:-

After examining the points raised by the appellants in his appeal and giving hearing to both the parties, I hereby direct the Chief Ports Officer-cum-Information Officer, MMB to provide a copy of the Boost Agreement signed between Amma Lines Ltd. and Maharashtra Maritime Board to Bombay Environment Action Group in order to ensure transparency in the matter of infrastructure development in the area.


(ASHWANI KUMAR)

Chief Executive Officer-cum- Appellate Authority,
Maharashtra Maritime Board, Mumbai.

No. MMB/Planning/RTI/ 689

Date:- 17 APR 2009

To,

1. M/s Rewas Port Ltd.
Jai Center, 1st Floor,
34, P. D'Mello Road,
Opp. Red Gate,
Mumbai- 400 009.
(Fax No. 23733006)
- ✓ 2. Smt. Hema Ramani,
Bombay Environmental Action Group,
203, Rajendra Chambers,
19, Nanabhai Lane, Fort,
Mumbai- 400 001.
(Fax No. 22880991)
3. Chief Ports Officer-cum-Information Officer,
Maharashtra Maritime Board.