

K. Prasanna Kumar V. Ceylon Electricity Board

RTIC Appeal (Documentary) **127/2021** – Order adopted as part of the formal meeting of the Commission on **11.01.2022**

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairman: Rt. Justice Upaly Abeyrathne
Commissioner: Ms. Kishali Pinto-Jayawardena –Attorney-at-Law
Commissioner: Rt. Justice Rohini Walgama
Commissioner: Mr. Jagath Liyana Arachchi – Attorney-at-Law

Appellant: K. Parasanna Kumar
Notice issued to: Designated Officer – Ceylon Electricity Board

Information request filed on	27.02.2020
IO responded on	10.03.2020 (Acknowledgment)
First Appeal to Designated Officer filed on	22.07.2020
Designated Officer responded on	No Response
Appeal to Right to Information Commission filed on	05.10.2020

Brief Factual Background:

By above dated information request, the Appellant requested the below information,

1. *“What is the reason for the delay in the third phase power generation of Nuwara Eliya Thermal Power Station?”*
2. *What is the loss to the Ceylon Electricity Board as a result?*
3. *What is the amount allocated for the third phase of construction and the contracting company to carry out the construction work?*
4. *What is the amount of electricity generated daily from the Nuwara- Eliya Thermal Power Station?*
5. *What is the cost of generating electricity and the income from selling it?*
6. *What is the amount of electricity purchased from the private sector and the cost?”*

As the IO failed to respond within the time period stipulated in the Act, the Appellant lodged an appeal with the DO on 22.07.2020. As the DO too failed to respond within the time period stipulated in the Act, the Appellant preferred an appeal to the Commission on 05.10.2020.

Matters arising at the Hearing:

In response to the notice issued by the Commission, the PA sent a letter dated 19.04.2021 stating that, the Information Officer had sent to reply to Mr. K. Prasannakumar (Appellant) answering all his questions. The PA has sent a copy of the response sent to the Appellant as Annexure 02.

The Commission observed that, the received Annexure 02 was unrelated to the instant Appeal. The Office of the Commission contacted the PA and informed the same to the PA. The PA agreed to send the relevant response that corresponds to the information request of the Appellant.

Order:

The Commission notes that the PA has not adhered to the timelines set out in Sections 25(1) and 31(3) of the RTI Act within which the PA must respond to information request/appeal to DO thereto. The attention of the PA is thus drawn to the aforementioned sections which are reproduced below;

Section 25 (1):

An information officer shall, as expeditiously as possible and in any case within fourteen working days of the receipt of a request under section 24, make a decision either to provide the information requested for on the payment of a fee determined in accordance with the fee schedule referred to in section 14(e) or to reject the request on any one or more of the grounds referred to in section 5 of this Act, and shall forthwith communicate such decision to the citizen who made the request.

Section 31(3) states that:

The decision on any appeal preferred under subsection (1), shall be made by the designated officer within three weeks of the receipt of the appeal and shall include the reasons for the said decision including specific grounds for the same.

As the PA did not raise any substantive objection to the release of the information, the PA is directed to send the correct document, relevant to this Appeal, to the Appellant, with copy to the Commission within two weeks of receipt of this Order.

Appeal Concluded.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).