

Reeza Rauf v Commission to Investigate Allegations of Bribery and Corruption (CIABOC)
RTIC Appeal (In-Person Hearing)/658/2018 Order adopted subsequent to the hearing/
consideration at a part of the formal meeting of the Commission on 08.01.2019

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)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Director-General: Mr. Piyathissa Ranasinghe

Appellant: Reeza Rauff
Notice issued to: Designated Officer, CIABOC

Appearance/ Represented by:
Appellant - Reeza Rauf
T Alphetim
PA - S M Sabry - ADL, CIABOC

RTI Request filed on	14.09.2018
IO responded on	27.09.2018
First Appeal to DO filed on	02.10.2018
DO responded on	No Response
Appeal to RTIC filed on	25.10.2018

Brief Factual Background:

The Appellant, by information request dated 14.09.2018 requested for information pertaining to the inquiry report with regard to the complaint made against the supply, installation and commissioning of 50 Nos. of 1MW/1.25MVA containerized package diesel generators, 25 Nos. of step-up containerized transformer units and 25 Nos. of containerized diesel fuel tanks (Contract No TM/DGM/FINC/ 2016/01/ (Diesel 50 MW)) of the Ceylon Electricity Board. The IO on 27.09.2018 responded denying the provision of information citing section 5(1)(h) of the RTI Act and Section 17 of the CIABOC Act No 19 of 1994. Dissatisfied with the response of the IO the Appellant lodged an appeal with the DO on 02.10.2018. As the DO failed to respond with the time period stipulated under the Act, the Appellant preferred an appeal to the Commission on 25.10.2018

Matters Arising During the Course of the Hearing:

The Appellant, briefly explaining the factual background of for requesting the information, submitted that the inquiry report in question was with regard to a tender process to provide technical assistance to the Ceylon Electricity Board (CEB). The Appellant further submitted that there were irregularities committed by the relevant authorities in selecting a vendor for the aforementioned project and it is pertinent to the Appellant and the Appellant's Company that the information is received, prior to the commencement of the projects at CEB.

The PA submitted that the inquiry had been conducted and is pending legal instructions. The PA further submitted that the DO was unable to represent the PA at the hearing due to a personal difficulty (it was submitted that he was recovering from heart surgery) and requested that the Commission re-fix the matter for hearing.

Order:

The Appeal is hereby adjourned.

Next date of hearing: 05.03.2019

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RTIC Appeal (In-Person Hearing)/658/2018 Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 05.03.2019

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Reeza Rauff
Notice issued to: Designated Officer, CIABOC

Appearance/ Represented by:

Appellant - Reeza Rauf
 T Alphetim
PA - Sunethra Jayasinghe, Deputy Director General, CIABOC

Matters Arising During the Course of the Hearing:

Upon being queried, the PA submitted that the preliminary inquiry has been concluded on 27.09.2018 and a formal inquiry is yet to be held.

Next hearing date: 23.04.2019

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RTIC Appeal (In-Person Hearing)/658/2018 Order adopted subsequent to the hearing/consideration at a part of the formal meeting of the Commission on 23.04.2019

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Reeza Rauff
Notice issued to: Designated Officer, CIABOC

Appearance/ Represented by:

Appellant -
PA -

Matters Arising During the Course of the Hearing:

The matter is re-fixed for hearing on 23.07.2019.

The Appeal is adjourned.

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RTIC Appeal (In-Person Hearing)/658/2018 Order adopted subsequent to the hearing/ consideration at a part of the formal meeting of the Commission on 23.07.2019

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Reeza Rauff
Notice issued to: Designated Officer, CIABOC

Appearance/ Represented by:

Appellant -
PA -

Matters Arising During the Course of the Hearing:

The parties requested that the appeal be postponed. The matter is re-fixed for hearing on 01.10.2019.

The Appeal is adjourned.

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RTIC Appeal (In-Person Hearing)/658/2018 Order adopted subsequent to the hearing/ consideration at a part of the formal meeting of the Commission on 01.10.2019

Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr. Mahinda Gammampila
Commission Member: Ms. Kishali Pinto-Jayawardena
Commission Member: Mr. S.G. Punchihewa
Commission Member: Dr. Selvy Thiruchandran
Commission Member: Justice Rohini Walgama

Appellant: Reeza Rauff
Notice issued to: Designated Officer, CIABOC

Appearance/ Represented by:

Appellant - Reeza Rauff
PA - S. Jayasinghe, Deputy Director General, Commission to Investigate Allegations of Bribery and Corruption (CIABOC)

Matters Arising During the Course of the Hearing:

At the time of the hearing, the PA responding to the notices of the Commission, had by letter dated 23.09.2019 informed the Appellant regarding information pertaining to the inquiry report with regard to the complaint made against the supply, installation and commissioning of 50 Nos. of 1MW/1.25MVA containerized package diesel generators, 25 Nos. of step-up containerized transformer units and 25 Nos. of containerized diesel fuel tanks (Contract No TM/DGM/FINC/2016/01/ (Diesel 50 MW)) of the Ceylon Electricity Board, that,

“File No. BC/2211/2017

The Commission conducted a preliminary investigation into the allegations referred to in your petition dated 23.10.2017

In the course of this investigation 13 witnesses testified before the Commission which included some members of SCAPC, TEC and some officials from the CEB and the relevant Ministry. In addition the Commission took over during the investigation all the necessary documents pertaining to the procurement process.

The Commission has observed that SCAPC has acted in terms of the Government Procurement Guidelines which precluded any wrongful or unlawful intent or knowledge on its part.

Therefore having considered the material gathered in the course of this investigation both oral and documentary, the Commission has decided to close this file for the reason that the material so disclosed are insufficient to constitute an offence of corruption as set out in Section 70 of the Bribery Act.”

Order

At the Right to Information Commission of Sri Lanka

Assessed against the information requested, it is the decision of this Commission that the relevant information has been supplied by the Public Authority to the Appellant by the letter dated 23.09.2019.

The Appeal is 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).
