

Medical Director, VKNM

Dr. R. K. Mahanta

Let us discuss

Dr. R. K. Mahanta

CC: SM (Legal)

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NRLTD/A/2022/155735**

Shri Nayan Moni Hazarika

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,
Numaligarh Refinery Limited

...प्रतिवादीगण / Respondent

Date of Hearing : 19.01.2024
Date of Decision : 19.01.2024
Chief Information Commissioner : **Shri Heeralal Samariya**

Relevant facts emerging from appeal:

RTI application filed on : 25.04.2022
PIO replied on : 24.05.2022
First Appeal filed on : 20.06.2022
First Appellate Order on : 15.07.2022
2nd Appeal/complaint received on : 05.12.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 25.04.2022 seeking information on following points:-

- i). When the Vivekananda Kendra Numaligarh Refinery Hospital was established which is situated in the premises/ township of the Numaligarh Refinery?
- ii). The name of the Management Committee/ Executive Body who manage/ conduct the Vivekananda Kendra Numaligarh Refinery Hospital and the names of the members of the said Body.
- iii). The copy of the Deed of Agreement between the management of the Numaligarh Refinery Ltd. and the management of Vivekananda Kendra Numaligarh Refinery Hospital in connection with the management of Vivekananda Kendra Numaligarh Refinery Hospital.
- iv). Total numbers of permanent employees and total numbers of contractual workers (skilled and unskilled) serving in the said Vivekananda Kendra Numaligarh Refinery Hospital.
- Etc."

The CPIO vide letter dated 24.05.2022 replied as under:-

Point No. 1 to 9: Vivekananda Kendra Hospital is not a public authority under the RTI Act 2005. Hence, we are not in a position to provide the information.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 20.06.2022. The FAA vide order dated 15.07.2022 stated as under:-

"Q.N.1 VKNRL Hospital was established on 19 September, 1997.

Q.N.2 There is a coordination committee with members from Vivekananda Kendra Medical Research Foundation and NRL. The members are nominated by both the agencies from time to time.

Q.N.3 The VKNRL hospital is run by VKMRF. VKMRF is a charitable institution and has undertaken to providing services purely in consideration of its charitable disposition and not for profit or other financial consideration whatsoever for the furtherance of its charitable objects of providing medical benefits to society. The deed of agreement signed between VKMRF and NRL is a non-commercial document signed with a charitable institution and hence not provided as it does not serve any public purpose.

Q.N.4 NRL does not maintain list/ record of permanent employees or contract workers of Vivekananda Kendra Numaligarh Refinery Hospital. Etc."

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

Appellant: Present

Respondent: Col. Sakia, PIO

The Appellant stated that complete information has not been furnished by the PIO. He requested to direct the PIO to furnish the deed of agreement signed between VKMRF and NRL since the same should be placed in public domain.

The Respondent stated that the point-wise information has been duly furnished to the Appellant from their official record. He stated that the deed of agreement signed between VKMRF and NRL is a non-commercial document signed with a charitable institution and hence not provided as it does not serve any public purpose.

Decision:

Commission, after perusal of case records and submissions made during hearing observes that information sought at point No. 3 of the RTI Application i.e. copy of the deed of agreement signed between VKMRF and NRL has been denied by the PIO

without quoting any specific exemption clause as per provisions of RTI Act. In the given circumstances, the Commission directs the present PIO to furnish a copy of deed of agreement signed between VKMRF and NRL as sought by the Appellant, as available in their records, with regards to the instant RTI Application, to the Appellant, free of cost via speed post, within 30 days from the date of receipt of this order and accordingly compliance report to this effect be duly sent to the Commission by the PIO. In doing so PIO must make sure that information which is exempted from disclosure under RTI Act, 2005 must not be disclosed to the Appellant and same must be redacted under section 10 of the RTI Act, 2005 prior to the said disclosure. As regards the other points of the RTI Application, the Commission is of the considered opinion that an appropriate response has been furnished to the Appellant as per provisions of RTI Act. No further action lies.

Appeal is disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

Copy to:-

Shri Nayan Moni Hazarika
C/o. Shri Biren Ch. Kalita,
House No.-04, Bye Lane No.-14,
Ganesh Mandir Path, P.O.--Noonmati,
Guwahati-781020 (Assam).

Central Public Information Officer
O/o. the General Manager-(HR),
Numaligarh Refinery Limited,
Post Office—Numaligarh Refinery Project,
P.S.-Numaligarh, Golaghat-785699
(Assam).

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ANNEXURE - 7

NUMALIGARH
REFINERY
LIMITED



A GOVERNMENT OF ASSAM ENTERPRISE

CIN -U11202AS1993GO1003893

Ref: NRL/FAA/RTI/Q-1758

Date: 15th July, 2022

To,

Shri Nayan Moni Hazarika
Advocate, Guwahati High Court
C/O- Sri Biren Ch. Kalita
House No. 4, Bylane- 14, Ganesh Mandir Path
Uttar Ananda Nagar, New Guwahati
PO/PS- Noonmati
Guwahati- 781020

FIRST APPELLATE ORDER

Subject: Information under RTI Act, 2005 Appeal order,
Reference: Your letter dated 28.06. 2022

Dear Madam,

This is in reference to your appeal dated 28.06.2022 under RTI Act 2005. The Information sought by you with reference to your RTI no. 1758 is provided below for your kind information.

Q.N.1 When the Vivekananda Kendra Numaligarh Refinery Hospital was established which is situated in the premises/township of the Numaligarh Refinery.

Reply: VKNRL Hospital was established on 19 September, 1997.

Q.N.2 The name of the Management Committee/ Executive Body who Manage/conduct the Vivekananda Kendra Numaligarh Refinery Hospital and the name of the members of the said body.

Reply: There is a coordination committee with members from Vivekananda Kendra Medical Research Foundation and NRL. The members are nominated by both the agencies from time to time.

Q.N.3 The copy of the Deed of Agreement between the management of the Numaligarh Refinery Ltd. and the management of Vivekananda Kendra Numaligarh Hospital in connection with the management of Vivekananda Kendra Numaligarh refinery Hospital.

Reply The VKNRL hospital is run by VKMRF. VKMRF is a charitable institution and has undertaken to providing services purely in consideration of its charitable disposition and not for profit or other financial consideration whatsoever for the furtherance of its charitable objects of providing medical benefits to society. The deed of agreement signed between VKMRF and NRL is a non-commercial document signed with a charitable institution and hence not provided as it does not serve any public purpose.

Q.N.4 Total numbers of permanent employees and total numbers of contractual workers (skilled and unskilled serving in the said Vivekananda Kendra Numaligarh Refinery Hospital.

Reply: NRL does not maintain list/ record of permanent employees or contract workers of Vivekananda Kendra Numaligarh Refinery Hospital.

Contd...-2

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as true copy of the original.
Nayan Moni Hazarika
(Appellant)*

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Continuation Sheet

Date : 15th July, 2022
Ref : NRL/FAA/RTI/Q-1758

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Q.N.5 Whether the Vivekananda Kendra Numaligarh Refinery Hospital. Provides free treatment/ concessional treatment? If yes, to whom?

Reply: Yes, to the economically poor families of the neighborhood.

Q.N.6 The Annual Financial Assistance provided by the Numaligarh Refinery Ltd to the Vivekananda Kendra Numaligarh Refinery Hospital from the year 2011 to 2021 (as per the Annual Revenue Budget submitted by the management of the Vivekananda Kendra Numaligarh Refinery Hospital to the concerned authority of the Numaligarh Refinery Ltd.

Reply: The annual financial assistance provided by NRL to VKNRLH for the years 2011-2021 is enclosed in Annexure I.

Q.N.7 The total annual income of the Vivekananda Kendra Numaligarh Refinery Hospital from the year 2011 to 2021.

Reply : VKNRLH is a non-commercial charitable institution which provides free and concessional treatment to the people of the neighborhood. Whatever income is generated by is adjusted against the deficit incurred and the deficit amount is provided by NRL as grant.

Q.N.8 From the year 2011 to 2021 how many times the management of the Vivekananda Kendra Numaligarh Refinery Hospital submitted capital budget to the concerned authority of the Numaligarh Refinery Ltd.

Reply: There is no mechanism of submitting capital budget by VKNRLH. Capital expenditures are incurred as and when required.

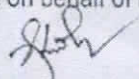
Q.N.9 The names and amount/ rates of machineries / instruments / equipment's purchased by the concerned authority of the Vivekananda Kendra Numaligarh Refinery Hospital from the year 2011 to 2021.

Reply : The names and amount/ rates of machineries / instruments/ equipment's purchased by VKNRLH is not available.

With the above, your appeal is hereby disposed-off.

Thanking you,

Yours faithfully
For & on behalf of NRL



Hemanta Kumar Nath
Chief General Manager (Maintenance)
And First Appellate Authority, NRL

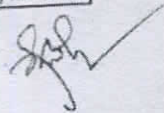
Encl: As above

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Main file/box

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Annexure-I

Sl. No.	Year/Month	Amount in (Rs)
1	2011	61,562,707.00
2	2012	99,461,554.00
3	2013	82,324,300.00
4	2014	72,943,958.00
5	2015	153,002,286.00
6	2016	127,704,878.00
7	2017	184,548,130.00
8	2018	121,380,671.00
9	2019	164,782,640.00
10	2020	189,858,267.00
11	2021	224,040,178.00



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as true copy of the original.

Nayam Memi Huzariker
(Appellant)