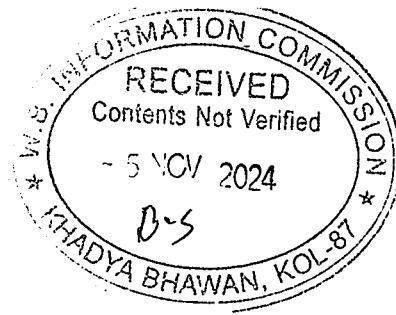


1st November, 2024

101188 / (4)
06/11/2024

From:
CAESAR SEN
66 Chowringhee Road, Kolkata 700020. Mobile: 93398-70835



To:
✓ 1] State Chief Information Commissioner, West Bengal Information Commission
Khadya Bhawan, 11A, Mirza Ghalib Street, Kolkata 700087
2] The Secretary, West Bengal Information Commission
Khadya Bhawan, 11A, Mirza Ghalib Street, Kolkata 700087

Sirs,

Re.: Second Appeal under the provisions of the RTI Act/ West Bengal Pollution Control Board

I had filed an application with the Public Relations Officer and SPIO, West Bengal Pollution Control Board, Paribesh Bhawan, 10A Block LA, Sector III, Bidhan Nagar, Kolkata 700 106 for information under the RTI Act w.r.t. pollution/ inspection of Tibetan Delight vide my application dated 10/6/24. I had 5 queries which were very clear and merited a clear, simple and factual response which would be available from the records of WBPCB. The SPIO refused to give me an answer to my questions no. 1 to 4 u/s 8(1)(e). To my question no. 5, it was answered only in part, and partly refused u/s 8(1)(d).

I filed a first appeal with the Appellate Authority vide letter dated 20/9/24, and sent a copy to the SPIO. The Appellate authority replied that the RTI 1st Appeal dated 20/9/24 has already been decided and intimated vide Memo No. 1811 dated 19/7/24. A copy of my application (dated 10/6/24), SPIO's reply(dated 15/7/24) , my First Appeal (dated 20/9/24) , and Reply of 1st Appellate authority (dated 4/10/24) are enclosed herewith.

In the reply of the 1st Appellate Authority, as you can see, he has informed that the decision to not grant my First Appeal was taken on 19/7/24, whereas my first appeal was made at a later date, only on 20/9/24 (2 months later!!! --- only after the decision of the Appellate authority)

A
WA
This clearly evidences that the Appellate Authority has not applied his mind to the matter, and for reasons best known to him, has refused to give me the information. He has predetermined that he would not like to ensure that I get the information as requested. I again state that I am entitled to get the information sought under the RTI Act.

6/11/24 Please therefore look into this matter and kindly ensure that I get the information sought at the earliest. I am ready to come for any hearing, if so required.

Thanking you,
Yours sincerely,

Caesar Sen

Enclosed: Copy of application, reply, my first appeal and reply of 1st Appellate authority.

Copy to: (1) Shri Samanjit Sen Gupta, Senior Personnel Manager and First Appellate Authority , West Bengal Pollution Control Board, Paribesh Bhawan, 10A Block LA, Sector III, Bidhan Nagar, Kolkata 700106.

(2) The Public Relation officer and SPIO, West Bengal Pollution Control Board, Kolkata 700106

10/6/24

From:

CAESAR SEN

66, Chowringhee Road, Kolkata 700020. Mobile 93398-70835



To:

The Public Relations Officer and SPIO, West Bengal Pollution Control Board
Paribesh Bhawan, 10A Block LA, Sector III, Bidhan Nagar, Kolkata 700106

Dear Sir,

Re.: Information sought under the RTI Act, 2005/ Tibetan Delight, 66/1 Chowringhee Road, Kolkata 700020.

Please refer to your "Suspension of Closure Order" being Memo No. no. 1957 (16)-WBPCB-RO-I/GEN/120/2023 dated 12/2/2024.

It has been stated in the above Suspension Order (copy enclosed) that " ... the unit was inspected by senior officials of State Board along with officials of other Govt. Departments...."

Please give me the following information under the Right to Information Act:

- 1] Please give me a list of names of "senior officials of State Board" who inspected the premises on 11/2/2024.
- 2] Did these officials of WBPCB visit any other premises on that day in the course of their official duties? Please give me the names & addresses of the units they visited.
- 3] Please give me a list of names of "officials of other Government Departments who visited the unit Tibetan Delight" on 11/2/24 along with the senior officials of WBPCB.
- 4] Please give me the names of the other Government departments of the above persons along with the names of the persons who visited.
- 5] Was an Inspection report prepared of the inspection of 11/2/24? If yes, please give me a copy of the inspection report.

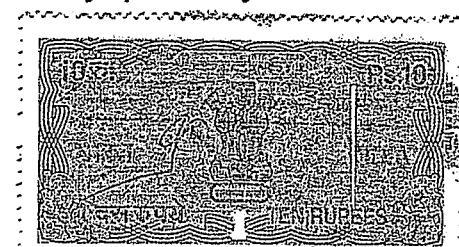
Rs.10/- is enclosed herewith by Non Judicial stamp as application fee. Please give me the above information at the earliest, and within maximum 30 days positively.

Thanking you,

Yours sincerely,

CAESAR SEN

Enclosed: Non Judicial stamp, and copy of Suspension Order.



RTI MATTER: VERY URGENT



LIFE
Lifestyle for
Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106, Ph.: 033-2202 3000, Fax : 033-2202-3099
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

Memo No.: 1772/1J-14/2024 (Part-III)

Date: 15/07/2024

To
Shri Caesar Sen
66, Chowringhee Road,
Kolkata – 700020.

Sub : *Information under the "Right to Information Act 2005".*

Ref. : Your letter received on 10.06.2024 (RTI Case No.3387)

Sir,

With reference to the above, I am furnishing the relevant answer as sought for

Sl. No.	Information sought for	Answer
1.	Please give me a list of names of "senior officials of State Board" who inspected the premises on 11/2/2024	Information cannot be provided under section 8(1)(e).
2.	Did these officials of WBPCB visit any other premises on that day in the course of their official duties? Please give me the names & addresses of the units they visited.	Information cannot be provided under section 8(1)(e).
3.	Please give me a list of names of "officials of other Government Departments who visited the unit Tibetan Delight" on 11/2/24 along with the senior officials of WPCB.	Not under purview of the WBPCB.
4.	Please give me the names of the other Government departments of the above persons along with the names of the persons who visited.	Information cannot be provided under section 8(1)(e).
5.	Was an Inspection report prepared of the inspection of 11/2/24? If yes, please give me a copy of the inspection report.	Yes. Inspection Report cannot be provided under section 8(1)(d).

Thanking you,

Yours faithfully,


15/07/2024
(ARUP GUHA)
Public Relation Officer &
State Public Information Officer
(Under the Right to Information Act 2005)

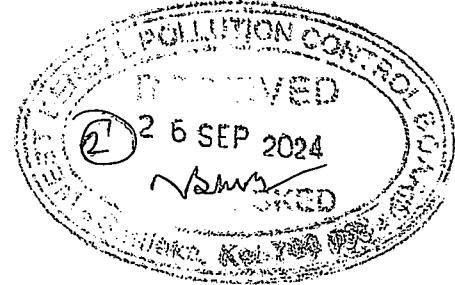
Encl : As stated.

20/9/24

From:

CAESAR SEN

66, Chowringhee Road, Kolkata 700020. Mobile 93398-70835



To:

Shri Samanjit Sen Gupta, Senior Personnel Manager

First Appellate Authority, **West Bengal Pollution Control Board**

Paribesh Bhawan, 10A Block LA, Sector III, Bidhan Nagar, Kolkata 700106

Dear Sir,

Re.: First Appeal under the RTI Act, 2005/ Inspection carried out Tibetan Delight (restaurant) , 66/1 Chowringhee Road, Kolkata 700020.

It has been uploaded on the website of WBPCB that the "closure Order" against Tibetan Delight has been suspended.

I had made an application dated 10/6/24, re the above unit to the SPIO, WBPCB. For questions 1,2,4,5 the SPIO, vide letter dated 15/5/24 has refused to give me the information sought on the grounds that it attracts the provisions of section 8(1)(e) and section 8(1)(d) of the RTI Act. For question no. 3, the SPIO has said that it is not under the purview of WBPCB. A copy of the suspension of closure order, my application and reply of SPIO are enclosed herewith.

I, as a citizen of India, and moreover being the owner of the premises where Tibetan Delight is located am entitled to the information sought. The unit has been polluting the atmosphere and this is affecting my life and health. The information relating to the unit has not been provided in a fiduciary capacity and is surely not of commercial confidence, a trade secret or intellectual property. **The sections 8(1)(e) and 8(1)(d) of the RTI Act are surely not attracted, and the SPIO has no legitimate ground to refuse me the information sought.** The information would not harm anyone's competitive position as mentioned in the above 2 sections of the RTI Act. My health life and health are affected and even otherwise I have a right to get the information sought.

Without prejudice to my above contentions, I state that the above information should have been uploaded on your website and/or provided to the public to the public at large

You are thus requested to consider this as my **First Appeal**, and do the needful so I get the information sought at the earliest. **In case you do not direct the SPIO in the first instance to provide me the information and are calling for a hearing, please inform me so I can be present there.**

Awaiting your kind intervention in the matter and to getting the information sought soon.

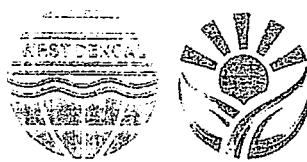
Thanking you in anticipation,

Yours truly,

Caesar Sen

Enclosed: Copy of suspension of closure order, my Application and reply of SPIO.

Copy to! SPIO, WBPCB Caesar Sen



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Environment

WEST BENGAL POLLUTION CONTROL BOARD

(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106, Ph.: 033-2202-3000, Fax : 2202-3099
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@banga.gov.in

No. २५७० / SPM/RTI/03/2024

Date: ०२/१०/२०२४

Appeal Case under the RTI Act, 2005

Ref. : Case No.3241

RTI Applicant

: Shri Caesar Sen

Residential Address

: 66, Chowringhee Road, Kolkata-700020

Public Authority

: West Bengal Pollution Control Board

Date of RTI Application

: 10.06.2024

Date of 1st Appeal

: 20.09.2024 (Received on 26.09.2024)

The RTI First Appeal done by Shri Caesar Sen vide No. Nil dated 20.09.2024 is perused and examined with Case Reords. The decision already taken and intimated to him vide this Office Memo No.1811/1(5)/SPM/RTI/03/2024 dated 19.07.2024 stands And the matter stands disposed at this end. As already advised, if he is aggrieved, he may approach higher Appellate Authority in State RTI Commission, if deemed necessary. No further such correspondence will be entertained from this end.

SS ०२/१०/२०२४
The First Appellate Authority under RTI Act,
West Bengal Pollution Control Board
&
Senior Personnel Manager, WBPCB

No. २५७० / SPM/RTI/03/2024

Date: ०२/१०/२०२४

०२

Copy forwarded for information to :

1. Shri Arup Guchait, PRO & SPIO, WBPCB, Paribesh Bhaban, 10A-LA Block, Sector-III, Salt Lake, Kolkata - 700106.
2. Shri Caesar Sen, 66, Chowringhee Road, Kolkata-700020;
3. M/s. Tibetan Delight, 66/1, Chowringhee Road, PO+PS: Bhawanipur, Kolkata-700020;
4. PA to Member Secretary, WBPCB - for the kind appraisal of the Member Secretary, WBPCB.

SS ०२/१०/२०२४
The First Appellate Authority under RTI Act,
West Bengal Pollution Control Board
&
Senior Personnel Manager, WBPCB



WEST BENGAL POLLUTION CONTROL BOARD
(Department of Environment, Government of West Bengal)
Paribesh Bhawan, 10A, Block - LA, Sector III, Bidhannagar
Kolkata - 700 106, Ph.: 033-2202-3000, Fax : 2202-3099
Website: www.wbpcb.gov.in, Email: net.wbpcb-wb@bangla.gov.in

No. 1811 / SPM/RTI/03/2024

Date: 19/07/2024

Order By First Appellate Authority of RTI, WBPCB

Sub : Disposal of First Appeal under RTI dated 5.6.24, 9.6.24, 10.6.24, 9.7.24, 11.7.24 of Sri Caesar Sen.

Ref. : SPIO Case No 3241, & Memo No 0761/1J-19/2023-(Part-II) dated 27.03.2024 and No. 1242/1J-11/2024 (Part-II0 dated 16.05.2024. and no 1703 dated 11.7.24 and his memo 1242 dated 16.5.24.

Perused the Case Records and heard the SPIO WBPCB. It appears that Appellant made a series of appeals (5 no's) for information around same object- a third party business concern- Tibetan Delight and more or less same issues. So clubbed all together for disposal.

Heard the SPIO and seen case records. It appears that the information sought by appellant and available and shareable has already been supplied. In pursuance of the 1st appeal application of Shri Caesar Sen, it is observed that the SPIO had furnished the relevant information to the applicant vide SPIO Office Memos as follows- No.0761/1J-19/2023 (Part-II) dated 27.03.2024 and No.1242/1J-11/2024 (Part-II0 dated 16.05.2024. and no 1703 dated 11.7.24 and his memo 1242 dated 16.5.24.

SPIO informed me during hearing dated 11.7.24, that said Third party visited him and requested protection under Section 8 and Section 11 of RTI Act as allegedly Appellant is pursuing litigation against his business and may use this information to harm Tibetan Delight business.

It is further observed that the applicant is NOT satisfied with the reply of the SPIO, WBPCB and made this series of first appeals.

Perused the relevant Laws, Rules of WBPCB and their procedures along with RTI Laws and rules and heard explanation of same from SPIO. Examined all documents and came to reasoned conclusion as stated below.

A. Satisfied that Appellant is filing RTI for information that is related to a Third Party Business concern, being M/s Tibetan Delight.

B. Satisfied that all necessary information as available with SPIO and as shareable as per law, rules has already been duly shared with appellant.

C. Satisfied that other information not shared pertain to a Third party industry cannot be shared with the third party, in terms of Section 8(1)(d) of the Right to Information Act, 2005, which clearly states that "information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information". No such larger public interest is apparent from Case Records and hence this applies.

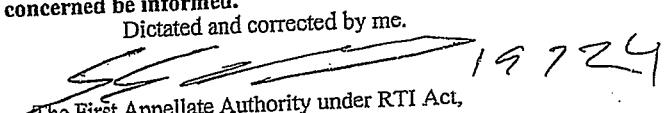
D. Also satisfied from Case Records that the not shared information sought of a particular Third Party Business cannot be shared with a private information seeker under the Provisions for Third Party Information (Section 11 of RTI Act, 2005).

So, with this spoken decision on 4 counts as stated above in details on the matter, this appeal petition is disposed off from end of undersigned.

And Appellant if not satisfied with this spoken order and decisive action, may take up matter at next level of appeal as per RTI Act and Rules or as deemed fit.

With This spoken order, the First Appeal is hereby disposed and matter closed from this end and NO FURTHER appeals on same issue will be entertained from this end. Let all concerned be informed.

Dictated and corrected by me.


19/07/24
The First Appellate Authority under RTI Act,
West Bengal Pollution Control Board

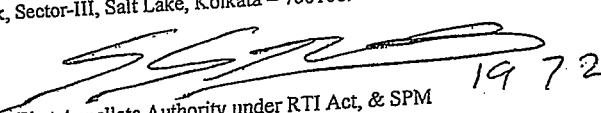
&
Senior Personnel Manager, WBPCB

Date: 19/07/2024

No. 1811 / SPM/RTI/03/2024

Copy forwarded for information and necessary action to :

1. Shri Caesar Sen, 66, Chowringhee Road, PO & PS Bhawanipur, Kolkata 700020, (being The Appellant)
2. M/s. Tibetan Delight, 66/1 Chowringhee Road, PO & PS Bhawanipur, Kolkata 700020 (being the Third Party Business Concern involved)
3. Shri Arup Guchait, PRO & SPIO, WBPCB, Paribesh Bhawan, 10A-LA Block, Sector-III, Salt Lake, Kolkata - 700106.
4. PA to Member Secretary, WBPCB for kind appraisal.
5. Office Copy


19/07/24
The First Appellate Authority under RTI Act, & SPM
West Bengal Pollution Control Board

Hearing on 20-01-2026

State Chief Information Commissioner West Bengal < scic-wb@nic.in >

Wed, 24 Dec 2025 1:28:57 PM +0530

To "wbpcbnet"<wbpcbnet@wbpcb.gov.in>,"Sarbani Biswas"<net.wbpcb-wb@bangla.gov.in>

Please find the attachment, for further details visit our website

West Bengal Information Commission

2 Attachment(s)

WBIC-RTI-A-100752-1991-202...

15.9 KB

WBIC-RTI-A-101183-3148-202...

15.9 KB