

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1435-11-2021

Kashif Ali Sundrani

Versus

Sui Northern Gas Company Limited

Date of Hearing: 19.01.2022.

Fawad Malik: Information Commissioner

Present: Ahmed Ejaz Yousaf, Advocate High Court on behalf of the Sui Northern Gas Company Limited.

A. APPEAL

1. Mr. Kashif Ali Sundrani, preferred his appeal u/s 17 of the Right of Access to Information Act, 2017 before the Pakistan Commission on access to information, Islamabad, impugning therein the reply vide letter dated 18.10.2021 by the Dy. Chief Officer (P/Lands), Sui Northern Gas Company Limited. He alleged that the Sui Northern Gas Company Limited, instead the requested information, has provided the procedure of hiring lands and fixation of rates.
2. Earlier through an application dated 12-10-2021 addressed to the Managing Director, Sui Northern Gas Company Limited, he desired the certified copies of document/certified information. The detailed particulars of the requested information are:
 1. *To provide me certified Rate-List of existing annual Land Lease/Rental compensation and temporary Land Acquisition Rated per Acre per Annum or hired Lands for Pipe Lines/ Plants/ Field of all the Regional / District/fields or otherwise under the Administrative control of SNGC throughout Northern Pakistan.*

2. *Secondly to provide me certified copy of per Acre permanently acquired by SNGC since 2016.*
 3. *If annual Leases/Permanent actuation are fixed by provincial Government's District price fixation committees then copies said letters/awards be provided.*
 4. *Please tell me what the source of fixation of annual leases is."*
3. The Dy. Chief Officer (P/Lands), Sui Northern Gas Company Limited vide letter dated 18.10.2021 responded as follows:

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1. *"SNGPL is an acquiring agency which lays its transmission lines against the transmission network that is spread to the provinces Punjab, KPK and parts of Sindh. The process of laying pipeline is carried out under the umbrella of Federal Government strictly in accordance with law and set forth rules. For the purpose, land is acquired on temporary as well as permanent basis and subsequent compensation of land to the affected landowners is made in accordance with the prescribed rules. The requisite formalities of acquisition proceedings are made under the law through Land Acquisition Collector of the concerned district and Land Acquisition Collector (LAC) for SNGPL. Affected landowners are temporarily compensated through LAC for SNGPL whose development is made by the respective Provincial Government. You may request LAC (SNGPL) for provision of the requisite record as mentioned by you in Sr. No. 01 of your letter under reference as the said information/record pertains to the LAC.*
2. *Cost of land is determined by concerned District Collector of the district through an authorized District Price Assessment Committee (DPAC) and the desired record as mentioned in this para can be obtained from the office of concerned District Collector.*
3. *As mentioned above, cost assessment is a prerogative of DPAC which does not come under the purview of SNGPL and District Collector concerned may therefore be consulted for the needful as desired in the current para.*

4. *Annual lease charges are fixed through mutual consultation of SNGPL's nominated committee with respective landowners in accordance with market rates and lease rates fixed by offices of concerned District Collector."*

B. PROCEEDINGS

4. Through the letter dated 16.11.21, the asking respondent submitted the following reply before the Commission in response to the notice dated 3.11.2021:

"This is with reference to your letter bearing reference No. Appeal: 1435/11/2021 along with Appeal by Mr. Kashif Ali R/o District Sukkur. In this regard it is apprised that above stated applicant previously moved on application over the same issue the reply of which had been given to him via our letter dated 18.10.2021.

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Moreover, SNGPL being a public limited company does not fall under the purview of subject Act and the requisite information therefore may be obtained from the concerned quarters please."

C. COMMISSION'S VIEW.

5. The appellant has asked for the provision of the certified Rate-List of existing annual Land Lease/Rental compensation and temporary Land Acquisition Rated per Acre per Annum or hired Lands for Pipe Lines/ Plants/ Field of all the Regional / District/fields, per Acre permanently acquired by SNGC since 2016 and source of fixation of annual leases.
6. The primary question before the Commission, before proceeding further on merits of the appeal is to resolve whether the SNGPL is a public body within

the meanings of the Act and this Commission holds the jurisdiction to entertain the appeal in hand. The version in the written reply of the answering organization is that SNGPL was initially incorporated as a Private Limited Company in 1963 and later converted into Public Limited Company in January 1964 under the Companies Act, 1913. It is engaged in the business of Transmission, Distribution and Sales of Gas therefore the Right of Access to Information Act, 2017 is not applicable on it. Be that as it may, Sui Northern Gas Pipelines Limited (SNGPL) admittedly is the largest integrated gas company undertaking the public function by serving more than 5.3 million consumers in North Central Pakistan through an extensive network in Punjab, Khyber Pakhtunkhwa and Azad Jammu & Kashmir. It is not denied in the reply that the organization was initially a Private Limited Company but later in 1964 was converted into a Public Limited Company and since is undertaking the public function of Transmission, Distribution and Sales of Gas. It is also admitted fact that the organization is funded by the government from the public exchequer and that government land is being utilized for the development of infrastructure and pipeline for the transmission, distribution and sale of the gas to the consumers. Last but not the least the government of Pakistan holds 31% of the shares in the Public Limited Company .Moreover this Commission in multiple appeals has considered the answering respondent as public body within the meanings of the Act which has attained finality. The Commission is therefore of the considered view that the Sui Northern Gas Pipelines Limited is a public body within the meanings of section 2(ix) of the Act.

7. So far as the information requested by the appellant is concerned, in this behalf the response of the answering respondent is rational, logical and self-speaking. The lease / acquiring of land on temporary as well as permanent basis and subsequent compensation of land to the affected landowners is made through

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the Land Acquisition Collector of the concerned district in accordance with the provisions of Land Acquisition Act, 1894 and likewise the cost of leased / acquired land is determined by concerned District Collector of the district through an authorized District Price Assessment Committee (DPAC).

8. The appellant since has asked for the certified copies of the requested information which cannot be fulfilled by the asking respondent for the reason that the custody of the desired record is with the concerned District Collectors.
9. It is noticed that the respondent has not notified the designated officer so far, as mandated in section 9 of the Act.

D. ORDER.

10. The appeal is not allowed. The Managing Director, Sui Northern Gas Company Limited is directed to notify the designated officer under section 9 of the Right of Access to Information Act, 2017 within a fortnight under intimation to the Commission.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 25.1.2022

Certified that this order consists of four (04) pages, each page has been read and signed