

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 1862-04-2022

Khawaja Nadeem Ahmed

Versus

Defence Housing Authority Bahawalpur

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Khawaja Nadeem filed the appeal dated 13th April 2022 before Pakistan Commission on access to information constituted under the Right of Access Information Act, 2017. He has alleged that his application dated 11-03-2022 addressed to the Administrator, Defence Housing Authority, Bahawalpur has not been responded within the period stipulated under the Act.
2. Through his application under the Right of Access to Information Act, 2017 read with 19A of the Constitution of Pakistan, 1973 and Section 47 of Public Procurement Rules, 2004 he has asked for the provision of list of bidders who participated in tender for consultation of construction of 132KV grid station at DHA Bahawalpur and the complete techno commercial bid of M/S UNISON ENGINEERING SERVICES.

B. PROCEEDINGS

3. The Secretary, Defence Housing Authority, Bahawalpur vide his letter No. 275/P&D/132 KV/DHAB dated May 17, 2022 submitted the following reply:

“It is intimated that Mr. Khawaja Nadeem Ahmad did not participate in the bidding process of subject work at DHA Bahawalpur. Therefore, Mr. Khawaja Nadeem Ahmad being a third party it seems illogical and unlawful to share the bidding documents / data or and

APPEAL NO. 1862-04-2022

the information to him. However, if his firm or he as individual would have participated then this office might had no objection to share and such relevant information under section 14 of the Right of Access to Information Act, 2017 where deem necessary.”

4. The appellant has objected the reply submitted by the respondent terming it not in line with the provisions of the Act. He has reiterated for the provision for the requested information through his rejoinder dated May 23, 2022.

C. COMMISSION’S VIEW

5. The appellant invoking his right under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 and under section 47 of Public Procurement Rules 2004 has desired the list of bidders who participated in the tender for consultant for the construction of grid station at DHA, Bahawalpur along with the complete techno commercial bid of M/S UNISON ENGINEERING SERVICES. The respondent Public Body has denied the information and record for the reason that the appellant did not participate in the bidding process for the subject matter project. The appellant has been identified as third party in the reply for being not qualified to have access to the desired information & record.
6. Be that as it may, the appellant has requested the said information and record in the public interest under Article 19A of the Constitution of Islamic Republic of Pakistan, 1973. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing corruption and inefficiency in the governance.

D. ORDER

7. The appeal is allowed. The Secretary, Defence Housing Authority, Bahawalpur is directed to furnish the appellant the list of bidders who participated in tender for consultation of construction of 132KV grid station at DHA Bahawalpur and the complete techno commercial bid of M/S

UNISON ENGINEERING SERVICES forthwith but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 02.06.2022

Certified that this order consists of 03 pages, each page has been read and signed