order

THE PUNJAB INFORMATION COMMISSION

Complaint No 3-10-2025-15

Zafar Sardar

Vs

GM PKLI Lahore

Subject: **RTI Complaint Regarding Non-Provision of Public Information under the Punjab Transparency and Right to Information Act 2013**

20.11.2025 Complainant is present in person. Mr. Ahsan Arif Law Officer is present on behalf of respondent public body.

2. Complainant first approached respondent public body vide e-mail dated 22.08.2025 seeking to be provided with information and record submitted by bidders regarding technically approved products during procurement made by respondent public body under two (02) tenders. Having failed to receive any response, complainant again lodged his RTI Application dated 03.10.2025, which formed basis of this complaint. Respondent public body, with a significant delay, responded on 06.10.2025 stating that grievance proceedings arising out of the said tenders are sub-judice with Punjab Procurement Regulatory Authority (PPRA) and as soon as any official communication is received from PPRA, relevant information shall be shared. Similar contention was taken by respondent public body before this Commission vide letter dated 27.10.2025, once again relying upon pendency of the matter before PPRA, as reason for non-provision of information. Upon submission of the aforesaid letter, respondent public body was directed to argue application of Section 13(1)(f) of Punjab Right to Information and Transparency Act, 2013

("RTI Act, 2013") i.e how disclosure of sought information during pendency of proceeding of PPRA is likely to hinder administration of justice.

3. Later respondent public body submitted its revised response dated 18.11.2025 taking two pronged stance i.e (i) conceding that pendency of matter before PPRA does not attract application of Section 13(1) of RTI Act, 2013; the said public body stated that disclosure of information regarding an issue pending decision of PPRA, might pose 'procedural harm', and ii) disclosure of sought information shall result in prejudice to commercial interest of the respective bidders since information sought is proprietary in nature and is also confidential. Along with the said response, stance of the relevant bidder contained in e-mail dated 17.11.2025 is also submitted, where the said bidder has refused to grant consent for sharing any part of bidding documents. It is noteworthy that the said consent was sought (vide letter dated 13.11.2025) and denied regarding one of the tenders mentioned in RTI Application and hence, no stance of bidder regarding second tender (PRO/180/2024) is on record. Submitted documents are aimed at establishing that consent required in Section 13(1)(b), since has been withheld; no information , in the absence of such consent, can be provided.

Both parties stated before this Commission that procurement procedure has been completed, contract has been awarded and successful bidder has also started supplying relevant items.

4. From record before this Commission, stance of respondent public body in response to RTI Application is that information sought is likely to cause harm to legitimate commercial interest of a third party and also that the said information is of the nature, sharing of which shall prejudice legitimate privacy interest of bidders. Withholding of information in such scenarios is governed u/s 13(1)(b) and (d) of RTI Act, 2013, which provisions read as under;

> **13(1)** A public information officer may refuse an application for access to information where disclosure of the information shall or is likely to cause harm to-
>
> **(b)** a legitimate privacy interest, unless the person concerned has consented to disclosure of the information.
>
> **(d)** a legitimate commercial interest of a public body or a third party, including information third party intellectual property rights.

To evaluate the aforesaid arguments, it is imperative to first see nature of information that the complainant seeks. As reflected in his RTI Application, the complainant seeks i) Country of origin and manufacture of the products which were technically approved, (ii) US-FDA approval certificates, (iii) free sale certificate from country of manufacture and (iv) purchase order of the relevant products. PIO of respondent pendent public body does not contest that submission of the aforesaid was a mandatory part of submission of bids. The said fact also reflects from bidding documents. Once respondent public body admits having a certain piece of information in its custody, it

cannot only rely on Section 13(1) of RTI Act, 2013 to wriggle out of its obligation to provide access to the same.

5. Information required by the complainant pertains to source and regulatory approvals of the products to be supplied by the successful bidders. PIO has failed to substantiate as to what legitimate commercial interest of the said bidders is involved in the matter and how such commercial interest is likely to be harmed if the said information is disclosed. This Commission is of the view that since requisite information does not disclose financial matters of the bidder but is limited to the attributes of products, no threat to any commercial interest of the bidder is decipherable.

Provision of Section 13(1)(b) of RTI Act, 2013 prescribe that privacy interest of the concerned individual should not only be present but harm to such interest must be apprehended; any material indicating towards existence of either factor has not be placed on record and hence, consent withheld by the relevant bidder and endorsed by respondent public body does not find any factual or legal basis. PIO has also not indicated any material, which as per his opinion, is confidential in nature. Pertinent is to point out that following provisions of Public Procurement Rules, 2014 ("PPRA Rules, 2014") repeatedly provide for disclosure of all information and documents related to evaluation of bids and award of contract;

R-30 Opening of bids:-

(2) All bids shall be opened publicly in the presence of the bidders or their representatives who may choose to be

present, at the time and place announced prior to the bidding and the procuring agency shall read aloud the unit price as well as the bid amount and shall record the minutes of the bid opening.

R-38 2(a)(vi):-

After the evaluation and approval of technical approvals, the procuring agency shall open the financial proposals of the technically accepted bids, publically at the time, date and venue announced and communicated to the bidders in advance, within the bid validity period;

Rule 66:-

(1) As soon as contract has been awarded, the procuring agency shall make all documents related to the evaluation of the bid and award of contract public.

(2) Where the disclosure of any information related to the award of a contract is of proprietary nature or where the procuring agency is convinced that such disclosure shall be against the public interest, it may withhold only such information from public disclosure subject to the prior approval of authority.



Cumulative effect of the aforesaid provisions is that not only both technical and financial bids, when open are to be made available for public inspection at the time of opening but also and more importantly when the contract is awarded, as has been awarded in the present case, all documents relating to bids and award of

contract are to be made public proactively by the procuring agency, even if no application for the release of same has been made by any citizen. Respondent public body in its reply dated 18.11.2025 stated that information sought is of proprietary nature. Not only that no material to support the aforesaid contention of the record, it is further observed that such contention can only be made basis of refusal of disclosure if approval of PPRA is obtained before such refusal. Without such approval, all record relating to procurements should be made public as per Rule 66(1) ibid. Such disclosure has also been emphasized in PLD 2013 Islamabad 85 (M.N. Construction Company Vs Federation of Pakistan and others).

It is not the case of respondent public body that information and record sought is not covered in definition of information provided in Section 2 (f) of RTI Act, 2013. Hence, the case of respondent public body, being not covered by the exceptions provided in either RTI Act, 2013 or PPRA Rules 2014, cannot succeed.

7. As for pendency of matter with PPRA, the said pendency, being alien to provisions of RTI Act 2013, has no impact on the current proceedings. Apprehension of procedural harm mentioned in reply dated 18.11.2025 is vague and cannot be made basis of refusal of RTI request.

8. Upshot of the aforesaid is that objection on provision of information taken by respondent public body, having no legal basis, are repelled.

9. Record mentioned at Serial Nos. 2 and 3 of RTI request i.e FDA approval certificates and free sale certificates is/are record not originating from respondent public body and cannot be attested as per requirements of Section 10(9) of RTI Act, 2013. PIO of respondent public body shall make a summary of information contained in the aforesaid record including date of issuance, product name, validity period if any and all other relevant details. The said summary alongwith information mentioned at Serial No. 1 of RTI Application shall be attested by PIO in compliance with provisions of Section 10(9) ibid and the same shall be dispatched to the complainant on his address given in RTI Application.

10. Allowed in above terms.

(Bushra Saqib)
Information Commissioner

(Muhammad Malik Bhulla)
Chief Information Commissioner