

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/BARCM/A/2019/641514**

Smt. Lakshmi Gopinathan

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre (Mumbai)

...प्रतिवादीगण / Respondent

Through: Shri

Date of Hearing : 18.08.2021

Date of Decision : 18.08.2021

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 22.02.2019
PIO replied on : 22.03.2019
First Appeal filed on : 09.04.2019
First Appellate Order on : 02.05.2019
2ndAppeal/complaint received on : 26.05.2019

Information sought and background of the case:

The Appellant filed an RTI application dated 22.02.2019 which was responded by the CPIO vide letter dated 22.03.2019 as under:-

Date of receipt of Application fee	:	22.02.2019	Draft/Cash/IPO Receipt No:	Online															
Sl. No.	Information Sought		Information Given																
1.	Technology transfer of radiation-processed hydrogel development at BARC. Period to which information relates: 1998 onwards (upto current date). Please provide the following information. The names of the companies that the technology was transferred to, with the dates of transfer.		<table border="1"><thead><tr><th>Sr. No.</th><th>Name of company</th><th>Date of transfer</th></tr></thead><tbody><tr><td>1.</td><td>M/s. ABS Medicare Pvt. Ltd.</td><td>15.11.2002</td></tr><tr><td>2.</td><td>Dr. Reddy's Laboratories Hyderabad</td><td>19.04.2005</td></tr><tr><td>3.</td><td>M/s. VIRIDIS Biopharma Pvt. Ltd., Mumbai</td><td>10.07.2007</td></tr><tr><td>4.</td><td>M/s. Navya Biologicals Pvt. Ltd., Hubli</td><td>07.07.2011</td></tr></tbody></table>		Sr. No.	Name of company	Date of transfer	1.	M/s. ABS Medicare Pvt. Ltd.	15.11.2002	2.	Dr. Reddy's Laboratories Hyderabad	19.04.2005	3.	M/s. VIRIDIS Biopharma Pvt. Ltd., Mumbai	10.07.2007	4.	M/s. Navya Biologicals Pvt. Ltd., Hubli	07.07.2011
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2. The Application Number and Patent Number of the patent(s) for the hydrogel technology that was transferred to these companies. If more than one patent is associated with the technology, please provide information for each patent. Please include active and inactive/ceased/expired patents.	No such Information is available in this Centre.			
3. The trade names under which the hydrogel-based products is/was produced by each of these companies. Please provide information for both current and past (no-longer-under-production) products.	Sr. No.	Name of Company	Trade Name	
	1.	M/s. ABS Medicare	Hizel	
	2.	M/s. Reddy's Labs	Hydroheal	
	3.	M/s. VIRIDIS	Acquaheal	
	4.	M/s. Navya Biologicals	Information not available.	
4. The period (from-to dates) of production of the hydrogel-based products by these companies. Please provide information for both current and past (no-longer-under-production) products.	No such Information is available in this Centre.			
5. The total royalty received by BARC from each of these companies to date. Please provide information for royalty share from each company/product separately.	Sr. No.	Party's Name	Agreement date	Amt. Rcd. (₹)
	1.	M/s. ABS Medicare Pvt. Ltd., Baroda	15.11.2002	5,95,913.00
	2.	Dr. Reddy's Laboratories Ltd., Hyderabad	19.04.2005	10,00,000.00
	3.	M/s. VIRIDIS Blopharma Pvt. Ltd., Mumbai	10.07.2007	12,56,559.00
	4.	M/s. Navya Biologicals Pvt. Ltd., Hubli	07.07.2011	10,00,000.00
	The technology transfer fee was ₹ 5 lakhs while transferring to M/s. ABS. The fee was hiked to ₹ 10 lakhs for others in view of upgradation of technology by BARC. The parties were supposed to pay royalty at 5% of annual sales turn over. Validity : 7 years.			

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 09.04.2019 pointing out violation of Section 5(4) and Section 6(3) of the RTI Act by the Respondent. The FAA/Controller vide order dated 02.05.2019 directed the CPIO to look into the matter once again and provide information, as available, with regard to point Nos. (2) and (4), to the Appellant within 15 days.

In compliance of the FAA's order, the CPIO/Chief Administrative Officer (A) vide letter dated 09.05.2019 furnished the information as under:-

Sl. No.	Information Sought	Information Given
2	The Application Number and Patent Number of the patent(s) for the hydrogel technology that was transferred to these companies. If more than one patent is associated with the technology, please provide information for each patent. Please include active and inactive/ceased/expired patents.	Application No.:731/BOM/1999 Date of filing : 27-Oct-1999 Patent No.: 192136 Date of grant : 29-Sep-2004 Status : lapsed on 27-Oct-2017
4	The period (from-to dates) of production of the hydrogel-based products by these companies. Please provide information for both current and past (no-longer-under-production) products.	M/s. ABS Medicare (2004-2009) M/s. VIRIDIS (2008-2013)

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

Facts emerging in Course of Hearing:

A written submission has been received from CPIO, BARC vide letter dated 12.08.2021, furnishing additional information in response to queries raised by the Appellant. Copy of the submissions had been marked to the Appellant, through CIC Portal. The additional information furnished by the Respondent vide the submissions is as under:

8. In view of the above, it is respectfully submitted that the additional information received from concerned Division, is furnished before Hon'ble CIC for consideration as under :

- i. The Licensee (Navya Biological, Hubli, Karnataka) produced hydrogel dressing with trade name "Navyaheal". However, they did not produce the gel dressing on commercial scale due to licensing issues demanding state FDA requirements of fresh clinical test. (Point No. 3 of the RTI Application)
- ii. The patent 192136 has already expired. No company is presently manufacturing radiation processed hydrogel dressing. Providing copy of the original patent was not part of the RTI application. (Point no. 2 of the RTI Application)
- iii. The information on production period of radiation processed hydrogel for Dr. Reddy's Laboratories is not available in this Centre. However, it is to inform that the technology transfer was done on 19.04.2005 with a validity of 07 years. Navya Biologicals did not produce commercial scale gel dressings. (Point No. 4 of the RTI Application)
- iv. All the available information as forwarded by the Deemed PIO were provided to the appellant.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through video conference was scheduled after giving prior notice to both the parties. Appellant has not been represented at the venue for video conference but Respondent is present for the virtual hearing and placed reliance on the above written submissions, emphasising that all available information including additional information has been provided to the Appellant.

Decision:

Upon perusal of records of the case at hand, the Commission notes that information as defined under section 2(f) of the RTI Act has been provided by the Respondent. On the other hand, the Appellant has neither participated in the hearing nor assigned any reason for her absence. In fact because of her absence during hearing, the cause of her dissatisfaction with the information provided by the Respondent could not be ascertained. In the given circumstances, the Commission is not inclined to intervene in this case.

The appeal is disposed off with no further directions.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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(अभिप्रमाणित सत्यापित प्रति)

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

