

## Central Information Commission

**Decision No. 80 /IC(A)/2006  
F.No.CIC/MA/A/2006/00018**

**Dated, the 30<sup>th</sup> June, 2006**

Name of the Appellant : Shri Nanak Chand Arora, R/o 1111, Rani Bagh,  
New Delhi-110034.

Name of the Public Authority : State Bank of India, Shakur Basti, Delhi-110034.

### **(Complaint u/s 18 of Right to Information Act)**

#### **DECISION**

##### **Facts of the Case:**

1. The complainant was sanctioned a loan of Rs. 3 lakhs in 1997 for purchase of Truck Chassis and fabrication of its body. He has alleged that due to the negligence of the Bank, the sanctioned loan was not disbursed. The respondent has however mentioned that for the release of loan amount he was required to deposit the required margin money, which he could not do. Therefore, on his request the Bank returned all the papers and the amount deposited by him. The Bank accordingly complied with his request.
2. The Complainant was however aggrieved by the manner in which his case was dealt with by the officials of Shakur Basti Branch of the State Bank of India. He lodged a complaint with the Head Office of the SBI, in which he stated that he was harassed and forced to withdraw his application for loan. As per the direction of the Chief General Manager, SBI, Sansad Marg, New Delhi, the matter was enquired by the Vigilance Department of the Bank.
3. In his complaint to the Commission, the appellant has mentioned that the Bank informed him that his complaint was investigated and on the basis of its findings the concerned officers have been cautioned. Subsequently, the appellant asked for '**a copy of the investigation report**' under RTI Act on 21.10.2005. He also requested for inspection of records pertaining to investigations of his complaint. The Chief Manager, SBI, Shakur Basti Branch informed him on 31.12.2005 that:

*"The matter is under consideration and we shall advise you accordingly very soon on the matter".*

Subsequently, on 19.1.2006, he was informed as under:

*“We advise that we are not in position to accede to your request for supply of copies under RTI Act, as the matter is su-judice. It is also informed that under the said Act there is no provision for inspection of the record”.*

4. On the petition received from the complainant, the respondent was asked by the Commission to furnish a detailed reply on the petition filed by the complainant.

5. The respondent has mentioned that there is a dispute between the Bank and the complainant and the matter is pending before the State Consumer Disputes Redressal Commission (SCDRC), New Delhi. The complainant has already filed an appeal before the SCDRC for redressal of his grievances and for providing access to the complete file.

6. The respondent Bank has also mentioned that the request for information by the complainant could not be accepted *“due to the exemptions provided under section 8(1) and not covered under section 8(2) of the Right to Information Act, 2005 and was informed accordingly that the matter being sub-judice at the time as well as now”.*

7. The case was heard on 29.6.2006. The complainant was represented by his Counsel, Shri Chandu Ram and the Bank was represented by its Counsel Shri S.N. Relan along with the official of the Bank.

8. Both the parties were heard. The complainant mentioned that under the RTI Act he has the right to acquire a copy of the Investigation Report, which was conducted on his complaint against the erring officials, who did not disburse him the sanctioned loan.

9. The respondent contended that the matter was sub-judice and, therefore, the report in question should not be disclosed till the SCDRC has finally adjudicated on the matter of appeal filed by the complainant. He has however not mentioned the specific section of the Act under which exemption from disclosure was sought.

**Commission’s Decision:**

10. The CPIO and the Chief Manager of the Bank has not responded to the information seeker in the spirit in which the Act seeks to promote transparency in functioning of the Bank. He has mis-interpreted the provision of the Act and informed that there was no provision for inspection of the record in the Act. This is contrary to the provision u/s 2(f) (i). He has also not indicated as to why the report could not be disclosed, except that the matter was sub-judice. There is no provision in the Act which restricts the disclosure of information merely on the ground of the fact that matter is pending with the Consumer Court. In the instant case, the Court has not forbidden the disclosure of investigation report or inspection of record.

11. The CPIO has also not mentioned the name of the appellate authority of the Bank to whom the appellant would have filed his 1<sup>st</sup> appeal.

12. In view of the above, the CPIO and the Chief Manager is directed to furnish a certified copy of the information sought within 15 working days of issuance of this decision and provide access to the relevant file for inspection u/s 2(f) (i) of the Act.

13. The CPIO is also required to Show Cause as to why penalty u/s 20 (1) of the Act should not be imposed for not complying with provisions of the Act. He is therefore directed to appear before the Commission at **2.30 pm on July 14, 2006** to give his explanation in this regard.

14. The appeal is accordingly disposed of.

Sd/-  
(Prof. M.M. Ansari)  
Information Commissioner

Authenticated true copy :

(L.C. Singhi)  
Additional Registrar

Cc:

1. Shri Nanak Chand Arora, R/o 1111, Rani Bagh, New Delhi-110034.
2. Shri R. S. Sehrawat, Chief manager & CPIO, State Bank of India, Shakur Basti, Delhi-110034.
3. The Chief General Manager, State Bank of India, Sansad Marg, New Delhi.