

Central Information Commission
File No.CIC/SM/A/2009/000531 dated 24-12-2007
Right to Information Act-2005-Under Section (19)

Dated: 3 March 2010

Name of the Appellant : Smt. Binaifer A Kapila
8th Floor, New Harileela House,
134, E Mint Road, Near GPO Fort,
Mumbai - 400 001.

Name of the Public Authority : CPIO, Bank of Baroda,
Mumbai Metro South Region,
Mumbai.

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri B Gupta was present.

2. In this case, the Appellant had, in his application dated 24 December 2007, requested the CPIO for a number of information regarding the loans sanctioned to one M/s Kapila Knit Fabrics Private Ltd. In his reply dated 23 January 2008, the CPIO provided only the copies of the guarantee letter executed by all the three parties but refused to provide the rest of the information by claiming exemption under Section 8(1) (d), (e) and (j) of the Right to Information (RTI) Act. Not satisfied with this reply, she preferred an appeal on 28 February 2008. The Appellate Authority disposed of the appeal in his order dated in March 2008 endorsing the decision of the CPIO. It is against this order that the Appellant has come to the CIC in second appeal.

3. The case was heard through videoconferencing. The Appellant was not present in spite of notice. The Respondent was present in the Mumbai studio. We heard his submissions. He argued that the information sought concerned a third party borrower and the Appellant was only a guarantor and, therefore, she could not be provided with the details about the loan case of the company concerned. On our enquiry, the Respondent admitted that the Bank had already initiated recovery proceedings against the borrower company and the guarantor/Appellant for non-payment of the loan

amount. We have held in many decisions in the past that once the Bank initiates recovery proceedings in a loan case both against the borrower and the guarantor, the latter cannot be treated any longer to be an unconcerned party. We have held that, in all such cases, the guarantor has an equal right to access details about the loan account.

4. In view of the above, we now direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order all the details sought by her including the copy of the relevant pages of the file in the office of the Executive Director in which the NOC proposal as mentioned by her in item 4 of her application had been processed and the ED had issued his orders.

5. With the above direction, the appeal is disposed off.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Assistant Registrar