

# CENTRAL INFORMATION COMMISSION

**B-Wing, 2<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066**

Appeal No.908/ICPB/2007

F.No.PBA/07/211

September 17, 2007

In the matter of Right to Information Act, 2005 – Section 18/19

Appellant: Mr. R.K. Morarka, Kutch

Public Authority: Central Bank of India  
Mr. E. Ratan Kumar, AGM & CPIO  
Mr. K.K. Gupta, Appellate Authority

## **FACTS:**

The appellant is a director of one M/s Morarka Cables & Conductors Limited. The company had taken certain financial assistance from the Bank and had committed default. The Bank had filed a suit in Bombay High Court in 1994 which was thereafter transferred to DRT. The Bombay High Court had appointed a Receiver with the power to sell the movable property of the company. Presently, the matter is pending before the DRT. On 6<sup>th</sup> October, 2006, the appellant filed an application under RTI Act seeking for statement of account and other details from the year 11.1990 till date including the interest charged on the account and the rate of interest charged. The information sought was in 13 serials. The CPIO rejected the application on the ground that only a citizen can seek the information and not a company. He also observed that since the information sought related to the suit pending before DRT, the matter being sub judice, the information cannot be furnished and the appellant could move the DRT for seeking the said information. On appeal, the AA also, relying on a decision of this Commission in Appeal No.11/ICA/2006, rejected the appeal upholding the decision of the CPIO and hence the present appeal. Comments were called for. In the comments, it is stated that the appellant has indulged in filing multifarious applications before different authorities for different purposes instead of attending to the Bank suit which is pending in which decree for huge amount is likely to be passed against the appellant. It is further stated that most of the information sought for by the appellant is already available with him as he has taken inspection of the documents earlier.

## **DECISION:**

Even though in terms of RTI Act, only a citizen has the right to seek information from a public authority, this Commission has taken a view that directors of companies, partners of firms and office bearers of associations of persons could also seek information on behalf of the companies, firms and associations respectively. Therefore, the CPIO/the AA could not have rejected the application on the sole ground that a company is not a citizen. This Commission has consistently taken a view that if the information sought relates to a pending proceeding before a competent court/tribunal, then the said information should be obtained only through court/tribunal and not under the provisions of the RTI Act. In the present case, since I find that practically all the information sought relate to the pending proceeding before the DRT, the appellant cannot seek the information under the RTI Act. Accordingly, the application is dismissed.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-  
(Padma Balasubramanian)  
Information Commissioner

Authenticated true copy :

(Pankaj K P Shreyaskar)  
Deputy Secretary & Joint Registrar

Address of parties:

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2. Mr. K.K. Gupta, Appellate Authority, Central Bank of India, 346, Standard Building, 1<sup>st</sup> Floor, Dr. D.N. Road, Fort, Mumbai-400023
3. Mr. R.K. Murarka, Murarka Towers, Sector No. 1A, Plot No. 441, Gandhidham (Kutch)-370201