

CENTRAL INFORMATION COMMISSION

Room No. 302, CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi-110067

Decision No. CIC/OBKOC/A/2016/300416 Dated 07.02.2018

**Harinder Dhingra vs. CPIO, Oriental Bank of Commerce, Head Office,
Gurgaon.**

Relevant dates emerging from the appeal:

RTI: 01.04.2016	FA: 24.05.2016	SA: 11.08.2016
CPIO: 04.05.2016	FAAO: 16.07.2016	Hearing: 31.01.2018

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Oriental Bank of Commerce (OBC), HO, Gurgaon seeking information on four points regarding credit sanctioned to M/s Hanung Toys & Textiles Limited, including, inter alia, (i) copies of all records, documents, note sheet, manuscript, records, reports, office memorandum, part files and files relating to placing of proposal of credit sanctioned to M/s Hanung Toys & Textiles Limited to Board of Directors of OBC during 2001-2015, and (ii) copies of all records, documents, note sheet, manuscript, records, reports, office memorandum, part files and files relating to minutes of Board of Directors meeting of OBC in which the case of credit sanction were discussed/deliberated/sanctioned of the said company by the Bank.

2. The appellant filed a second appeal before the Commission on the grounds that information was denied on the grounds that collecting and collating the information would disproportionately divert the resources of the bank and invoked the provisions of Section 7(9) of the RTI Act. The appellant requested the Commission to direct the CPIO to provide complete

information as sought and initiate penalty proceedings under Section 20(1) of the RTI Act against the CPIO for denial of information.

Hearing:

3. The appellant was not present despite notice. The respondent Shri A.K. Mishra, Assistant. General Manager, and Shri Anhinaya Gupta, Manager (Law), Oriental Bank of Commerce, Head Office, Gurgaon were present in person.

4. The respondent submitted that collecting and collating the information sought by the appellant will disproportionately divert the resources of the bank. Moreover, the information regarding the placing of proposal of credit sanction before the bank contains the information which is held by the Bank in a fiduciary capacity and also is of commercial confidence for the bank, the disclosure of which would harm the competitive position of the third party concerned. It also contains personal information of third party, the disclosure of which has no relationship to any public interest and would cause an unwarranted invasion of the privacy of the third party. Hence, the information sought is exempted under Sections 8(1)(d), (e) and (j) of the RTI Act.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, observes that the Commission, in a similar case in *Harinder Dhingra vs. CPIO, Bank of Maharashtra, New Delhi*(CIC/BOMAH/A/2016/300415, dated 27.12.2017) had observed as follows:

“17. In the present matter, the Bank has admitted that the loan has become an NPA and the company has not yet repaid the loan availed by it. In this matter a large amount of public fund has been advanced by the bank to M/s Hanung Toys & Textiles Ltd. The company has defaulted in repayment and the loan has become NPA, therefore, the

matter is of larger public interest. The Commission also notes that the information concerning the accounts of its customers is held by the Bank in a fiduciary capacity and is exempted from disclosure under Section 8(1)(e) of the RTI Act. Further, under Section 8(1)(d) of the RTI Act, the information including commercial confidence, trade secrets or intellectual property, is exempted from disclosure as it would harm the competitive position of a third party. However, Section 8(2) of the RTI Act provides: "Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

18. The Commission observes that the information sought on point nos. 3 and 4 of the RTI application pertain to records, documents relating to the recovery of loans from M/s Hanung Toys & Textiles Ltd. The Commission notes that the respondent had stated that the Bank is already in the process of recovering the dues. Hence, it would not be in public interest to divulge any information pertaining to the recovery process as it might impede the recovery of dues. The Commission agrees with the respondent's submissions that since the matter pertaining to the recovery is under process, any disclosure can adversely impact recovery of dues which would not be in public interest."

6. In view of the above, the Commission directs the respondent to provide certified copy of the proposal of credit sanction to M/s Hanung Toys and Textiles Ltd., after severing the personal information relating to the promoters, group or company as well as regarding the company's products, technical know-how, etc., to the appellant within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(S.S. Rohilla)
Designated Officer

Addresses of the parties:

1. The Central Public Information Officer,
Oriental Bank of Commerce,
Head Office, Plot No. 5,
Ground Floor, Sector-32,
Institutional Area,
Gurgaon

2. Shri Harinder Dhingra,