

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SM/A/2010/001652/SG/14629
Appeal No. CIC/SM/A/2010/001652/SG

Relevant facts emerging from the Appeal:

Appellant : Ms. Rekha Makharia
B-12, VM Road
JVPD Scheme, Vile Parle(West)
Mumbai-400049

Respondent : Mr. Pawan Agarwal
PIO (Law) & Company Secretary
IDBI Bank Limited
Cuffe Parade, Colaba
Mumbai-400005

RTI application filed on : 13/09/2010
PIO replied on : 09/10/2010
First Appeal filed on : 20/10/2010
First Appellate Authority order on : No Order
Second Appeal received on : 01/12/2010

S.No.	Information Sought	Reply of PIO
1.	Whether I'm a borrower of United Western Bank of IDBI Bank; if so please send copies of loan documents.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.
2.	Whether I'm a guarantor to UWB/IDBI Bank; if so, please let me have a copy of the guarantee deed.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.
3.	Whether I have signed any other document with UWB/IDBI bank; if so, please provide copies of documents.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.
4.	Whether I have authorized anyone to sign any documents with UWB/IDBI Bank; if so, please let me have a copy of authority letter.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.
5.	Whether I have created any charge on my shares of UWB in favour of UWB/IDBI Bank for advances to any party; if so, please let me have a copy of relevant documents.	Pay an amount of Rs. 14/-.
6.	Whether IDBI Bank is aware that creation of charge by a bank on its own shares for its advances is prohibited by section 20(1) (a) of the Banking Regulations Act, 1949.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.
7.	Whether IDBI Bank is aware that Article 3 (a) of UWB'S Articles of Association precluded the bank from sanctioning advances against its own shares.	Information sought is roving in nature and are not "information" as defined under Section 2(1) of RTI, 2005.

Grounds for the First Appeal:

Not satisfied with the information provided by the PIO.

Order Of the First Appellate Authority:

No Order given by the FAA.

Ground of the Second Appeal:

No Order given by the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Shiv Prakash Makharia representing Ms. Rekha Makharia on video conference from NIC-Mumbai Studio;

Respondent: Mr. Pawan Agarwal, PIO (Law) & Company Secretary and Mr. Ashutosh, AGM(Legal) on video conference from NIC-Mumbai Studio;

The Appellant had sought information asking whether she was a borrower or a guarantor in any transaction with IDBI or United Western Bank. The PIO had pointed out that there are many branches all across the country and with an unspecified period it would be impossible to gather this information and provide it. The Appellant has identified that he is only concerned with getting this information with respect to the Fort Branch or the Head Office Branch for the period January 2000 to February 2011. The respondent states that he would be able to provide this information since now it defines the specific location and period.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as detailed above to the Appellant before 10 October 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
16 September 2011

(In any correspondence on this decision, mention the complete decision number.) (MG)