केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग,मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/RBIND/A/2017/181734

Nutan Thakur … अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO: Reserve Bank of India, Shahid Bhagat Singh Marg, Mumbai. …प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 16.09.2017	FA : 20.10.2017	SA : 04.12.2017
CPIO : 03.10.2017	FAO : 23.11.2017	Hearing : 02.05.2019

O R D E R
(22.05.2019)

1. The issues under consideration arising out of the **second appeal dated 04.12.2017** include non-receipt of the following information raised by the appellant through his RTI application dated 16.09.2017 and first appeal dated 20.10.2017:-

(i) Kindly Provide the list of first batch of large defaulters mentioned in this news article.

(ii) Kindly Provide the list of second batch of large defaulters mentioned in this news article.

(iii) Kindly provide the copy of one or more files (including the Note sheet and the communications with various offices) of the Reserve Bank of India related with the above two lists of large defaulters mentioned in this news article.

2. Succinctly facts of the case are that the appellant filed an application dated 16.09.2017 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Reserve Bank of India, Shahid Bhagat Singh Marg, Mumbai seeking aforesaid information. The CPIO replied on 03.10.2017. Dissatisfied with this, the appellant has filed first appeal dated 20.10.2017. The First Appellate Authority disposed of the first appeal vide order dated 23.11.2017. Aggrieved by this, the appellant has filed a second appeal dated 04.12.2017 before this Commission which is under consideration.

3. The appellant has filed the instant appeal dated 04.12.2017 *inter alia* on the grounds that the CPIO and FAA have denied the information under different provisions and there is no unanimity in their decisions.

4. The CPIO denied the information under section 8 (1) (d) of RTI Act whereas the FAA held that the exemption under section 8 (1) (d) does not apply to the case and but falls under Section 45C and E of RBI Act as per which the credit information submitted by all banks shall be treated confidential.

5. The appellant and on behalf of the respondent Shri Deepak Chikhale, CPIO, Shri B. Nethaj, AGM and Ms. Lali Ramesh, Assistant Legal Advisor attended the hearing through video conferencing.

5.1. The appellant submitted that the information is being sought purely in public interest because the list of defaulters is of immense public importance and the people have a right to know about these defaulters. He further stated that section 45 C of RBI Act is about power of RBI to call for returns containing credit information and hiding names of big defaulters is definitely against the spirit of these legal provisions and certainly against the mandate contained under section 45 E(2) (b) of RBI Act. In view of this, the appellant pleaded that the information/documents sought may be provided to him.

5.2. The respondent defended that as on date of filing of RTI application the information was not provided due to the pending resolution and the list of defaulters had not been finalised. However, they are now in a position to disclose the information sought. The respondent further argued that the information sought in point no. 3 of the RTI application involves notesheets that not only pertain to the list of willful defaulters but also the burrowers suffering from economic distress. The information in that regard are so intertwined that it may not be possible to separate or severe each and every document. The applicability of section 10 of the RTI Act with respect to point no. 3 of the RTI application would not be possible and disclosure of the names of the burrowers of economic distress would breach the confidentiality among the customers and RBI, hence, may be exempted under section 8 (1) (d) of RTI Act. The respondents assured to provide the information sought in section1 and 2 of the RTI application.

6. The Commission after adverting to the facts and circumstances of the case, hearing both parties and perusal of records agrees with the respondents that the information sought in point no. 3 of the application is voluminous and may also include additional information that is not sought in the RTI application. The

disclosure of the entire files may also reveal the names of the borrowers that are not included in the list of willful defaulters. However, the respondent is directed to provide information/documents pertaining to point nos. 1 and 2 of the RTI application to the appellant, within ten days of receipt of this order. With the aforementioned observations and directions, the appeal is disposed of.

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

Sd/-
(Suresh Chandra) (सुरेश चंद्रा)
Information Commissioner (सूचना आयुक्त)
दिनांक/Date: 22.05.2019