

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/2018/185486

Priti Ranjan Das

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO, Reserve Bank
of India, Central
Office,
Cuffe Parade, Colaba,
Mumbai.

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 19.05.2017	FA : 04.08.2017	SA by third party : 28.12.2017
CPIO : 05.07.2017	FAO : 12.09.2017	Hearing : 16.04.2020

CORAM:

Hon'ble Commissioner

SHRI SURESH CHANDRA

ORDER

(03.06.2020)

1. The issues under consideration in the appeal dated 16.02.2018 filed by Shri Priti Ranjan Das on behalf of the HDFC bank as an affected party against the disclosure of information to the RTI applicant Shri Girish Mittal, are as under:-

- i. Set aside or quash the impugned order passed by the CPIO dated 05.07.2017 conveying his decision to disclose the Risk Assessment Reports of the HDFC Bank to RTI applicant Shri Girish Mittal;
 - ii. Pass an order declaring that the information sought by the applicant Shri Girish Mittal vide his RTI application dated 10.10.2016 is exempted from disclosure under section 8 of the RTI Act;
 - iii. Pending hearing and disposal of the instant appeal, the Hon'ble Commission may pass an order restraining the CPIO from disclosing the information, and/or taking any steps in furtherance of or pursuant to the impugned order dated 05.07.2017.
- 2.** On 10.10.2016, one Mr. Girish Mittal filed an RTI application before CPIO, Department of Banking Supervision (DBS), Reserve Bank of India (RBI), Mumbai seeking copies of inspection reports of HDFC Bank from 01.04.2011 till date. The CPIO vide letter dated 09.12.2016 denied the information under clauses (a) & (d) of sub section (1) of section 8 of the RTI Act. Aggrieved by this, Mr. Girish Mittal filed first appeal before the First Appellate Authority (FAA). The FAA vide order dated 23.01.2017 directed the CPIO to explore the possibility of severing the exempted portion of information sought and issue a suitable response to the appellant.
- 3.** In pursuance of the FAA's order, the CPIO vide letter dated 23.02.2017 intimated his decision to the HDFC bank to part with their inspection reports with the RTI applicant Shri Girish Mittal. Not satisfied with the decision, HDFC bank approached the FAA against the disclosure of information and the FAA disposed of the appeal by remanding the matter back to the CPIO with a direction to issue a fresh notice to the HDFC Bank under Section 11 (1) of the RTI Act.

4. Pursuant to the order dated 26.04.2017 of the FAA, the CPIO vide its letter dated 11.05.2017 issued a fresh notice under section 11(1) of the Act calling upon HDFC bank to make a written submission as to whether the information sought by Mr. Girish Mittal could be disclosed. The HDFC bank vide letter dated 19.05.2017 made their submissions to the CPIO and strongly objected against provision of the information as the same was exempted under section 8 of the RTI Act. Thereafter, the CPIO vide letter dated 05.07.2017 conveyed its decision to disclose the Risk Assessment Reports of the HDFC Bank for the period 31.03.2014 to 31.03.2015 after purportedly severing information exempt under section 8 of the Act. Being aggrieved by this, the HDFC bank again filed first appeal to the FAA on 04.08.2017 and the FAA vide order dated 09.08.2017 dismissed the appeal. Aggrieved by this the appellant Mr. Priti Ranjan Das on behalf of HDFC Bank approached the Commission in a Second Appeal on 28.12.2017 which is under consideration.

Hearing on 09.10.2019:

4.1. The appellant attended the hearing through video-conferencing and the respondent remained absent.

4.2. The Commission passed the following directions on 03.12.2019:

“6. The Commission after adverting to the facts and circumstances of the case, hearing the appellant and perusal of records, feels that in view of the absence of the respondent the relevant facts of the case could not be ascertained. It is pertinent to mention that the respondent was not present before the Commission despite notice which is viewed by the Commission seriously. Further, it appears that the respondent is taking the RTI application as well as the Commission very casually which is detrimental to the very purpose of the RTI Act. In view of this, the Commission directs the Registry of this Bench to issue show cause notice to the CPIO, Reserve Bank of India, Department of Banking Supervision, Central office, Cuffe Parade

Colaba, Mumbai, for explaining as to why action under Section 20(1) of the RTI Act should not be initiated against him. All the written explanations must reach to this Commission within 15 days.”

Hearing on 16.04.2020

5. The appellant remained absent and on behalf of the respondent, Shri Abhay Kumar, Dy.General Manager, Reserve Bank of India, Bandra attended the hearing through tele-conference.

6. The Commission after adverting to the facts and circumstances of the case, hearing the respondent and perusal of records, feels that it is necessary for both parties to be present for proper adjudication of the issues raised in the matter. Accordingly, the appeal is **adjourned**.

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

Sd/-
(Suresh Chandra) (सुरेश चंद्रा)
Information Commissioner (सूचना आयुक्त)
दिनांक/Date: 03.06.2020

Authenticated true copy

R. Sitarama Murthy (आर. सीताराम मूर्ती)
Dy. Registrar (उप पंजीयक)
011-26181927(०११-२६१८१९२७)

Addresses of the parties:

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CUFFE PARADE, COLABA,
MUMBAI - 400 005

PRITI RANJAN DAS
C/O HDFC BANK LTD.,
HDFC BANK HOUSE,
SENAPATI BAPAT MARG,
LOWER PAREL, MUMBAI - 400 013
MAHARASHTRA

SHRI GIRISH MITTAL

