

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

**Decision No. CIC/SG/A/2012/001150/19185**  
**Appeal No. CIC/SG/A/2012/001150**

**Relevant Facts emerging from the Appeal:**

**Appellant** : Mr. Vipin Kumar Gupta  
H. No.- 37 F, Kitchlu Nagar  
Ludhiana (Punjab)

**Respondent** Mr. Vinay Verma,  
CPIO & DGM  
**Andhra Bank**  
CPIO & DGM  
Zonal office, Lucknow  
47/27, A-3, Sheela Complex, 19-B,  
Vidhan Sabha Marg, Lucknow

**RTI application filled on** : 28/11/2011  
**PIO replied** : 17/12/2011  
**First appeal filed on** : 04/01/2012  
**First Appellate Authority order** : not mentioned  
**Second Appeal received on** : 10/04/2012

*The Appellant had sought information regarding the account drawn in favour of GUPTA PACKWELL. The appellant alleged that a fraud has been committed by encashing the cheque belonging to his company which was issued by M/s Jindal Cotex Limited.*

Sl.	Information Sought
1.	Account No., title of the account and nature of the account to which credit of Rs.2,15,620/- was afforded by you after collecting cheque no. 340100 dated 05.06.2009 drawn in favour of GUPTA PACKWELL, Date of deposit of Ch. No. 340100 In your bank,
2.	Date on which the said account was opened in your books and amount of initial deposit (Cash/Transfer/Cheque)with which the same was opened
3.	Date on which the said account was closed. If the said account is still running in your books, present status of the account.
4.	Total transactions (Debit as well as Credit) In the said account.
5.	Photocopies of the account opening form and other papers/documents taken by your branch from the account holder while opening the account. Attested copies should be supplied.
6.	Know Your Customer Guidelines Compliance Report of your competent official with name, designation and present place of his posting.

**Grounds for the First Appeal:**

PIO refused to reply stating as sought information is exempted under sec 8 (1) (d) of RTI Act.

**Order of the First Appellate Authority (FAA):**

Not enclosed.

## **Grounds for the Second Appeal**

The Appellant has stated that he is a proprietor of Ms. Gupta Packwell and is seeking information relating to his own company.

### **Relevant Facts emerging during Hearing:**

The following were present

**Appellant:** Mr. Vipin Kumar Gupta on telephone no. 09417472800;

**Respondent:** Mr. Prabhat Ranjan Singh, Dy. Manager (Law) on behalf of Mr. Vinay Verma, CPIO & DGM on video conference from NIC-Lucknow Studio;

The Commission realizes that information about a customer of the bank is held in a fiduciary capacity by the said bank. However, in the instant case the Appellant states that a fraud has been committed by someone else who has opened an account in the name of his proprietary concerned Ms. Gupta Packwell and fraudulently deposited a cheque of Rs.215620/-drawn in his favour by M/s Jindal Cotex Limited. If as claimed by the Appellant a criminal action has been undertaken there certainly is a larger public interest in providing the evidence of such criminal action. Given the peculiar nature of this case the Commission feels that larger public interest would be served by disclosure of information and this would outweigh any harm to any protect interest. If the contentions of the Appellant are correct the Commission accepts that as per the provisions of Section 8(2) of the RTI Act information should be provided. The Commission therefore directs the PIO to provide the information sought by the appellant if the Appellant provides the following to the PIO before 30 June 2012:

- 1- Copy of a letter received from the *M/s Jindal Cotex Limited* stating that the cheque was issued to *M/s GUPTA PACKWELL* whose proprietor is Mr. Vipin Kumar Gupta
- 2- Proof showing that Mr. Vipin Kumar Gupta is a proprietor of the firm *M/s Gupta Packwell*.
- 3- Copy of complaint filed by the appellant with the Police about the cheque of Rs.215620/-

### **Decision:**

The Appeal is allowed.

The PIO is directed to provide the information to the Appellant within 15 days of receipt of the three conditions listed above.

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**  
**01 June 2012**

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