

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
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**Decision No. CIC/SM/A/2010/001454/SG/14423**  
**Appeal No. CIC/SM/A/2010/001454/SG**

**Relevant facts emerging from the Appeal:**

**Appellant** : Mr. A.M Attar  
Shamshad Nagar  
D/2 Building Flat No. - 5  
Mumbai Pune road, District-Thane,  
Mumbai, Maharashtra

**Respondent** : Mr. Shivram Naskar  
PIO & GZM  
**Bank of India**  
Opposite Natraj Market,  
SV Road, Malad West  
Mumbai-64, Maharashtra

RTI application filed on : 03/06/2010  
PIO replied on : 30/06/2010  
First Appeal filed on : 06/07/2010  
First Appellate Authority order on : 05/08/2010  
Second Appeal received on : 13/10/2010

**Information Sought:**

1. What was the quantum of loan paid to M/s Modcam India Pvt. Ltd.?
2. Name the guarantor of the M/s Modcam India Pvt. Ltd. And whether he is Guarantor in any other bank for the same party or other.
3. What are the dues on the company with interest at present?
4. What actions were taken to recover the loan and the expenditure on the security to guard the property of the debtor?
5. The total expenditure on advertisement for auction and the money spent on the court case and security.
6. Number of tenders received for auction, name and address of the parties who filled tenders.
7. When court decision was in favour of your bank, what compelled you to cancel the tenders to agree the hidden settlement?
8. Please provide a copy of your settlement with the M/s Modcam India Pvt. Ltd. And whether bank earned or lost in the deal.
9. Whether concurrence of higher authority of Bank of India was necessary or not and who has signed the settlement with the M/s Modcam India Pvt. Ltd.?

**Reply of PIO:**

The information sought for falls under the exemptions provided under section 8 (1) (d) and (e) from disclosure and is in the nature of commercial confidence.

**Grounds for the First Appeal:**

The Appellant was not satisfied with the refusal of disclosure of information sought by him.

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

The FAAA upheld the reply of the PIO.

**Ground of the Second Appeal:**

.the appellant is aggrieved by the order passed by the FAA.

**Relevant Facts emerging during Hearing:**

The following were present:

**Appellant:** Mr. A.M. Attar on video conference from NIC-Thane Studio;

**Respondent:** Mr. Yashwant Ingole, Sr, Manager on behalf of Mr. Shivram Naskar, PIO & GZM on video conference from NIC-Mumbai Studio;

The Appellant has sought certain information about the customer of the Bank and the transaction. The bank holds information regarding their customers and their transactions in fiduciary relationship and this information is exempted under Section 8(1)(e) of the RTI Act. However the information sought at query- 5, 6 & 9 does not fall in this category and hence this information must be provided.

**Decision:**

The Appeal is allowed.

The PIO is directed to provide the information on query 5, 6 & 9 to the Appellant before 25 September 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**  
**06 September 2011**

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