

CENTRAL INFORMATION COMMISSION

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Decision No. CIC/SG/A/2011/001871/15273

Appeal No. CIC/SG/A/2011/001871

Relevant facts emerging from the Appeal:

Appellant : Capt. Pawan Kumar Anchal,
185, M.C.Colony, Rothak Road,
Bhiwani.

Respondent : Mr. Ram Dayal Negi
CPIO & Chief Manager
Dena Bank,
North Regional Office, S.C.O.-66,
2nd Floor, Sector-11,
Panchkula-134112.

RTI application filed on : 22-02-2011
PIO replied on : 21-03-2011
First Appeal filed on : 03-04-2011
First Appellate Authority order of : 23-05-2011
Second Appeal received on : 12-07-2011

Sl.	Information Sought :	Remarks/Reply
1	Date when tender was floated last by your bank for requirement of premise at Bhiwani (Haryana) to open new branch. Please provide the copy of same.	Advertisement for invitation of tender was published on 13/12/2009 in Punjab Kesari (Hindi edition) and Hindustan Times (English edition). Copy of advertisement attached.
(a)	Number of applications submitted their bids for this branch's premise.	22 bids received by the bank for this branch's premises.
(b)	Please provide the copy of Technical Bids & Price bid of every applicant with the date of receipt of these bids at your office.	We have received 22 Technical Financial bids for this premise. Each bid is of 5 pages. Please pay Rs. 440/- for providing the Xerox copy of all bids.
(c)	Number & Names of sites inspected by your officers after receipt of bids as per para 1 (c)	22 sites visited. Names of sites visited by our officers- 1. Shri RajpalSinghShiv Sadan, Hansi Road, Opp. Police Station Sadar, Bhiwani. 2. Shri R.Nj. Singh Shiv Sadan Hansi Road, Bhiwani. 3.. Smt Shanti Devi, Near Old Halwasia Primary School, Circular road, Denod Gate, Bhiwani. 4. Kartar Singh Circular Road, Hansi Gate Bhiwani., 5. Smt Shanti Devi, Near Shiv Sadan, Hansi Road, 1 st Lane, Bhiwani. 6. Shri Jagdev Kumar, Shop No. 116-117, Opp Old Bus Stand, Circular Road, Bhiwani. 7. Smt. Annu Arora, Hansi Road, Adj. Andhra Bank, Bhiwani. 8. Shri Randhir Singh, Near Utsav banquet hall/Radha

		<p>Swami Satsang Bhawan. Rothat Road, Bhiwani.</p> <p>9. Shri Sushil Kumar, Circular Road, Opp United Bank of India, Bhiwani.</p> <p>10. Shri Karan Singh & others SCF-116, Opp Old Bus Stand, Circular Road, Bhiwani.</p> <p>11. Dr. Renu Chug, Chug Hospital, Adj HDFC Bank, Bhiwani.</p> <p>12. Shri Parveen Kumar Kokra, Mall Hansi Road, Hansi Chowk, Bhiwani.</p> <p>13. Smt. Nidhi Tayal, Tayal Complex. Near Agarsen Chowk, Bhiwani.</p> <p>15. Shri Ajay Gardi, SCO-6,7 Mela City Centre, Adj Bata Showroom, Bhiwani.</p> <p>16. Shri Jaibhagwan Near Mahem Chowk, Circular Road, Bhiwani.</p> <p>17. Shri Bishamber Arora, Circular Road, Near Rothak chowk, Opp Khase Nursing Home, Bhiwani.</p> <p>18. Shri Sushil Kumar, Near Old Bus Stand, Circular Road, Bhiwani.</p> <p>19. Shri Sushil Kumar, Circular Road, Near Meham Chowk Bhiwani.</p> <p>20. Shri Anand Kumar, M.C. Unit no.-y-3386/1, Loharu Road, Near Railway Crossing, Bhiwani.</p> <p>21. Indra Singh Saini Sevice Station, Mahata Tent House, Circular Road, Dinod Gate, Bhiwani.</p> <p>22.. Shri Ashish Anchal, Anchal Plaza, Hansi Gate, Bhiwani.</p>
(e)	Date of inspection of each site & name, designation of the officers who inspected the sites of the bids.	<p>Date of Inspection. 26/06/2010</p> <ol style="list-style-type: none"> 1. Sr. Manager, Sonapat Branch 2. Sr. Manager, Rothak Branch. 3. Dy. Regional Manager, NIR, Panchkula 4. Regional Manager, NIR, Panchkula
(f)	Name designation of the officers who finalized the premise of your bank branch at Bhiwani and date of finalization. Please provide the record of all proceedings under which premise was finalized.	<ol style="list-style-type: none"> 1. Sr. Manager, Sonapat Branch 2. Sr. Manager, Rothak Branch. 3. Dy. Regional Manager, NIR, Panchkula 4. Regional Manager, NIR, Panchkula
(g)	Please provide the copy of finalized technical bid & price bid for your bank's premise at Bhiwani.	Each bid is of 5 pages. Please pay Rs. 20/- for providing the Xerox copy for bids.
(h)	Please provide the copy of all documents enclosed with finalized technical & price bid of your bank's branch at Bhiwani.	Each bid of 5 pages. Please pay Rs. 20/- for providing the Xerox copy of bids.
(i)	Certified copies of sanctioned plan for the building in which your bank's premise has been finalized at Bhiwani.	As per declaration by Land Lord.
(j)	Completion/building use permission, occupation certificate from Municipal Council, Bhiwani for the building in which your Bank's premise has been	Declaration by Land Lord.

	finalized at Bhiwani.	
(k)	Parking area for scooters & cars for your bank's premise within the premise/building.	There is parking space available.
(l)	Copy of certificate from competent authority for using the premise commercial & public building.	Declaration by Land Lord.
(m)	Is premise has a valid sewerage & water supply connection?	Facility is provided by the Land Lord.
(n)	Is the premise has valid water harvesting compliance certificate?	Facility is provided by the Land Lord.
(o)	Carpet area leased by your bank for premise of your branch at Bhiwani. Please provide the copy of agreement signed between lessor & lessee (Bank & Land Lord)	Carpet area 1400 sq ft. Please Pay Rs 10/- for providing Lease Deed Copy.
(p)	Monthly rent/hire paid by your bank to Land Lord for your bank's branch premise at Bhiwani.	Rs. 59,500/- P.M
(q)	Name of the person in whose name rent/hire has been paid by your bank's premise at Bhiwani.	Dr. Shivkant Sharma Kant Hospital, Circular Road, Bhiwani.
(r)	Total rent paid by your bank to Land Lord of your bank's premise at Bhiwani till now with the dates of payments.	Rs. 29,7500/- for 5 months, as per lease agreement. Rs 3,57000/- for 6 months (Advanced)
(s)	Total expenses incurred by your bank for furnishing the premise of your bank's branch at Bhiwani.	Rs. 7.23 lacs.
(t)	Date when your branch was opened & started operation in Bhiwani.	On 12 th Nov, 2010 it was operationalized.
(u)	Name of the officer who did inauguration of branch at Bhiwani and date of inauguration.	Formal inauguration yet to be done.
(v)	Action taken by your Bank against the Land Lord of your bank's premise or Harayana Government after sealing the building in your bank's branch is situated being unsafe & illegal.	Branch Premises not sealed so far.
(w)	By whose orders your bank's branch is operating in sealed unsafe building. Please provide the copy of orders.	Branch Premises not sealed so far.
(x)	Copy of all complaints received at Dena Bank regarding the present premise of your bank at Bhiwani.	No Such Complaint has been received.
(y)	Is your Head Office RBI CBI or CVC has been informed about the sealing of your bank's premise building and action taken by your bank against the culprit staff and Land Lord. If applicable under your bank's	Branch Premises not sealed so far.

	Guidelines or RBI Guidelines.	
(z)	Is premise finalization of your bank's Bhiwani Branch has been done according to RBI Circular DBOD No. BL.BC 105/22.01.03/98 November 11, 1998, RBI/2008-09/132,DBOD No. BL.BC.32/22.01.03/2008-2009 & RBI/2009/10/63 DBOD No. BL.BC. 20/22.01.001/2009-10	Yes
(aa)	Record of action taken by your bank in compliance of circulars mentioned in para 1 (z) above if any.	RBI circular complied by the Bank. The query is vague.
(bb)	Record of action & correspondence between your bank & Land Lord of the premise of your bank's branch after receipt of complaint about the building and sealing of the building by Municipal Council Bhiwani.	Branch Premises not sealed so far.

Grounds for the First Appeal:

Unsatisfactory reply was given to the appellant by the PIO.

Order of the First Appellate Authority (FAA):

"However, on examination, I found that the detail information of plan/bids etc. pertains to building plan/other bidders/third party and disclosure of the same may harm the competitive position of other party. SPIO may take a decision based on the facts, whether to provide information or seek exemption under 8(1) (g) of the RTI Act.

Regarding information 6(i) of the Appeal I observed that it is a statement and no information has been sought at (para k).Hence it cannot be provided.

Regarding information 6(j) of the Appeal I am of the view that SPIO should have replied if the said certificate is available with him in material form or not, instead of replying that 'Declaration of Land Lord.'

Regarding information 6(k) of the Appeal, it appears that the Applicant is having the information he has sought. Further the SPIO has replied that the facility has been provided by the Land Lord. SPIO has not suppressed any facts. Therefore I do not intend to interfere with the SPIO reply.

About information 6(l & m) of the Appeal SPIO has provided information whatever available in their record. Hence there is no need to interfere with the same.

Regarding information 6(n & o) of the Appeal, as regards allegation made by applicant that SPIO has given wrong information, I observed that the Appellant has given photocopy of some paper cuttings in support of his claim. . Therefore I direct SPIO to examine the same and if he finds that some more information can be given then, give reply to the Applicant with 'facts' within 10 days from the receipt of this order.

Regarding information 6(p to x) of the Appeal it is observed that the Appellant has submitted reasons how the Bank's actions not justified under the provision of RTI Act. As per RTI ACT, he can seek any information and not clarification/reason/explanation from SPIO. Hence I do not intend to interfere with the decision of SPIO."

Ground of the Second Appeal:

Unsatisfactory information had been provided by the PIO.

Relevant Facts emerging during Hearing:

The following were present

Appellant : Capt. Pawan Kumar Anchal on video conference from NIC-Bhiwani Studio;

Respondent : Mr. Ram Dayal Negi, CPIO & Chief Manager on video conference from NIC-Panchkula Studio;

The PIO has provided considerable information but is now directed to provide the following information:

- 1- Query-2(f): Names and designation of the officers who finalized the premise and the date of finalizing it. The PIO has refused to give the names of the officers without claiming any exemptions of Section 8(1).
- 2- Query 2(i) & (j): Copies of the plans and occupation certificates to be provided. If these are not available the PIO must furnish the attested copy of the declaration by the landlord.
- 3- Query 2(k): if the area for parking has been mentioned, this should be provided. If it is not mentioned the Appellant will be informed.
- 4- Query 2(q): The PIO has stated that the rent/hire is being paid to Dr. Shivkant Sharma but he is not been listed in the names of the persons whose sites were inspected in query(d). The PIO will explain this discrepancy to the Appellant.
- 5- Query 2(x): The PIO will check whether any complaints have been received and inform the Appellant.

Decision:

The appeal is allowed.

The PIO is directed to provide the information on the five points as mentioned above to the Appellant before 15 November 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 cost as per Section 7(6) of RTI Ac.

Shailesh Gandhi
Information Commissioner
21 October 2011

(In any correspondence on this decision, mentioned the complete decision number.)(ved)