

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

**Decision No. CIC/SM/A/2010/001351/SG/14285**  
**Appeal No. CIC/SM/A/2010/001351/SG**

**Relevant facts emerging from the Appeal:**

**Appellant** : Mr. Kuldip Raj Kaila  
S/o Late Wadhwa Mal  
196/10, Dasuya-144205 (Disst: Hoshiarpur)

**Respondent** : Mr. V. K. Garg  
PIO & Chief Manager  
**Oriental Bank of Commerce,**  
Regional Office 922 G.T Road,  
Opposite General Bus Stand,  
Jalandhar (Punjab)

RTI application filed on : 26/12/2009  
PIO replied on : 08/01/2010  
First Appeal filed on : 18/01/2010  
First Appellate Authority order on : 16/02/2010  
Second Appeal received on : 22/09/2010

<b>INFORMATION SOUGHT</b>	
<p>1) 1) Certified copy of so—called letter from Sakandar Singh  ii) Date of issue and date of expiry issued per so called the instructions of the depositor read with his Letter.  iii) Date of Interest. applied to the captioned FOR and Authority behind the payment of interest to 3rd party Mr. Onkar Singh.  iv) contractual rent applied to subsequent renewals:  1) renewal dt. 12.8.98, 11.8.99, 11.8.2000  2) Certified copy of Letter/instructions behind constituting the authority for interest payment.</p>	<p>i) Contractual rate applied to FOR  1/95 dt. 10.8.95 due 10.8.98  Renewal dated 11.8.99, 11.8.2000  —certified copy of the Authority from the depositor Mr. Sakandor Singh with regard to payment of periodical interest to Mr. Onkar Singh throughout commencing the very Inception till ultimate disbursal.</p>
<p>1) Certified copy of the authority from depositor sakandar singh seeking the clubbing or FORs 1/95 &amp; 2/95 aggregating Re. 1 Lac.  ii) contractual rate applied to ;RNR FOR No. 2/01 Rs. 1 Lac dated 13—8—01  — Renewal dt. 13—8—02</p>	<p>1) authority from the depositor Sakandar Singh, read with nomination or otherwise, with regard to payment of — FOR No. O726O9/6/02</p>
<p>Contractual rent applied to C.D.R. NO. 072554 dt. 12—6—2000  ii) Bank's Circular deposing the percentage of the rate of interest payable in deceased claim cases.  iii) Documentary Proof with regard to Parminder Singh held to be the minor son of the deceased depositor Sakandar Singh.</p>	<p>The written authority from the deceased depositor Sh. Sakandar singh with regard to payment of periodical interest paid to 3rd party Sh. Onkar Singh  Documentary Proof with regard to HOLDING MR. PARMINDER SINCH (MINOR) TO BE SON OF THE DECEASED DEPOSITOR SAKANDAR SINGH, be provided.</p>

The outstanding claim of the claimant Mrs Harbans Kaur in view of the forgoing ambiguities be categorically clarified.

**PIO's reply:**

The information on the subject matter is pending before 'National Consumer Redressal Commission'; therefore the information cannot be furnished.

**Grounds for the First Appeal:**

Not satisfied with the PIO's reply.

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

The matter is sub-judice and the same is pending before 'National Consumer Redressal Commission New Delhi'. Hence the information cannot be furnished.

**Ground of the Second Appeal:**

Not satisfied with the PIO's reply.

**Relevant Facts emerging during Hearing:**

The following were present

**Appellant :** Absent;

**Respondent:** Mr. V. K. Garg, PIO & Chief Manager on video conference from NIC-Jalandhar Studio;

The PIO has denied information stating that since the matter is pending before National Consumer Redressal Commission information will not be provided. No reasons have been given as per the provisions of the RTI Act for denial of information. Section-3 of the RTI Act clearly states that "Subject to the provisions of this act all citizens shall have the Right to Information". Denial of information under the RTI Act can only be based on the exemptions given under Section 8(1) of the RTI Act and not on any other imagined grounds. The then PIO has acted arbitrarily and the FAA has also displayed complete ignorance of the Law.

The Appellant has been unnecessarily harassed and made to wait to get the information and approach the Commission in a second appeal. The Commission therefore awards a compensation of Rs.2000/- to the Appellant for the loss and detriment suffered by him because of arbitrary actions of the PIO & FAA.

**Decision:**

The Appeal is allowed.

The Present PIO Mr. V. K. Garg is directed to send the information to the Appellant before 05 September 2011.

The PIO Mr. Garg is also directed to ensure that a cheque of Rs.2000/- as compensation is sent to the Appellant before 30 September 2011.

**The issue before the Commission is of not supplying the complete, required information by the then PIO within 30 days as required by the law.**

From the facts before the Commission it appears that the then PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

It appears that the then PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

The then PIO will present himself before the Commission at the above address on **22 September 2011 at 4.30pm** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). **He will also submit proof of having given the information to the appellant.**

***If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.***

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**  
**26 August 2011**

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

**Copy to the then PIO through Mr. V. K. Garg, Present PIO;**