

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SM/A/2010/001355/SG/14288
Appeal No. CIC/SM/A/2010/001355/SG

Relevant facts emerging from the Appeal:

Appellant : Mr. Mohit Paul,
C-I/ 1435, Vasant Kunj,
New Delhi — 110 070

Respondent : Mr. Satish Chandra
PIO & DGM (Legal)
Bank of India,
2nd Floor, Star House,
C-S, G Block, Bandra-Kurla Complex,
Bandra (East), Mumbai.400051

RTI application filed on : 30/03/2010
PIO replied on : 24/05/2010
First Appeal filed on : 15/06/2010
First Appellate Authority order on : 14/07/2010
Second Appeal received on : 22/09/2011

The Appellant has sought information regarding the loan which is still outstanding against M/s. Maratz Ltd. and the guarantors are Mr. Rajan Mathrani and Mrs. Yuriko Mathrani. This is necessary in view of the fact that MrRajan Mathran and Mrs. Yuriko.Mathrani are no more living in Japan and Mr. Rajah Mathrani has obtained an Indian Passport by giving a false address in Delhi.

INFORMATION SOUGHT	REPLY OF PIO
Please provide Certified copy of all the documents for the steps taken by the Bank of India for the recovery of the loan amount of 925 Million Yen extended to M/s Maratz Ltd. on 9th April, 1997 along with interest etc. against M/s Maratz Ltd., its Directors - Mr. Rajan Mathrani and Mrs. Vuriko Mathrani.	The information called for in the application pertains to Bank's customers. Bank is expected to maintain secrecy of the information of its customers and section 8(1) (d) and (j) of the Act also exempts the disclosure of individual's information. The disclosure of such information would not only violate commercial confidence but would also cause unwarranted invasion of the privacy of the said individuals. As such the desired informations are exempted from disclosure U/s 8(1) (d) and j) respectively of the RTI Act, the request cannot be acceded to.

Grounds for the First Appeal:

Not satisfied with the reply of the PIO.

Order of the First Appellate Authority (FAA):

The CPIO has rightly held that Bank is required to maintain the secrecy of the information of its customers and Section 8 (1) (d) & (j) of the Act also exempts from disclosure of such information.

Ground of the Second Appeal:

Not satisfied with the PIO's reply.

Relevant Facts emerging during Hearing:

The following were present

Appellant : Mr. Mohit Paul;

Respondent : Mr. I. T. Vel, PIO & Sr. Manager (Law) on behalf of Mr. Satish Chandra, PIO & DGM (Legal) on video conference from NIC-Mumbai Studio;

The appellant has sought details of action taken by the Bank to recover the Loan in which M/s Maratz Ltd had defaulted on loan repayment. The respondent confirms that there is loan default of around Rs.22/-crores since 1998. The PIO has claimed exemption under Section 8(1)(d) & (j) of the RTI Act. Section 8(1)(j) of the RTI Act relates to personal information. A company or institution cannot have personal information and hence the Commission does not accept the plea of Section 8(1)(j) being applicable in the instant case. As regards the claim of exemption under Section 8(1)(d) the matters of the loan default existing is clearly in the public domain and has been the subject of the Parliament Question. Disclosing the efforts made by the bank to recover the loan default cannot be termed as commercial confidence of the third party which is the borrower. In view of this the claim for Section for exemption Section 8(1)(d) is also not upheld by the Commission. Besides given the circumstances of the case where there is a loan default of around Rs.22/- crores as admitted by the respondent since 1998 there is certainly a large public interest in knowing what efforts the bank has made to recover this. Hence even if any case has been made that any exemption would apply as per the provisions of Section 8(2) of the RTI Act the said information would have to be disclosed.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information sought by the Appellant before 15 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
26 August 2011

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