

Punjab-Haryana High Court

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Rajan Verma vs Union Of India (Uoi), Ministry Of ... on 19 November, 2007

Equivalent citations: (2008) 149 PLR 253

Author: K Puri

Bench: S K Mittal, K Puri

JUDGMENT

K.C. Puri, J.

1. Petitioner-Rajan Verma has directed this writ petition under Articles 226/227 of the Constitution of India for quashing the impugned orders dated 8.11.2007, 15.6.2007 and 4.8.2007, passed by respondents No. 3 to 5 and for directing the respondents to provide information to the petitioner under the Right to Information Act, 2005 (hereinafter to be referred to as 'the RTI Act') and for further directing respondents No. 1 and 2 to make an enquiry into the large scale embezzlement made by the respondent-Canara Bank in settling the Non Performing Assets (hereinafter to be referred as 'NPA').

2. It is pleaded that the firm M/s S.R. Rajan and Company has taken loan from respondent No. 5 and the petitioner stood as a guarantor for the repayment of the said loan and pledged his commercial property and that of his wife, in favour of the bank. The borrower account of M/s S.R. Rajan & Company became NPA and the petitioner wanted to settle the matter with the bank. The bank charged the interest @ 14.5% per annum instead of 9% per annum. Large scale embezzlement was being made by the Ca-nara Bank while settling the NPA of different parties and one Tarsem Bawa, Manager of the bank misappropriated an amount of Rs. 3,17,00,000/- by withdrawing the government dues from inter banking transactions. The petitioner moved an application dated 8.2.2007 to the Chief Manager, Canara Bank, Amritsar for providing information under the RTI Act with regard to the details of compromise made by the bank during the last five years with the' different parties of NPA, alongwith requisite Court fee, but the same was not supplied. The petitioner moved applications dated 27.4.2007 to the Director, RTI and dated 28.4.2007 under the RTI Act to the Chief Manager, Canara Bank, Amritsar for providing information, but no action has been taken. The petitioner moved an application dated 30.4.2007 to the Director, RTI, but no information was provided. The petitioner then moved an application dated 7.5.2007 alongwith requisite fee under the RTI Act to the Section Officer, Office of Director Banking Division, New Delhi and the said application was forwarded to the CPIO, Canara Bank for action. In spite of issuance of direction by respondent No. 2, the CPIO, Canara Bank respondent No. 4, did not provide any information to the petitioner. The petitioner moved an appeal dated 28.5.2007 to the Joint Secretary and Appellate Authority (under the RTI Act), Banking Division, Ministry of Finance, New Delhi for providing information, but the said appeal was rejected.

3. The petitioner approached this High Court by way of filing C.W.P. No. 9697 of 2007, in which the following order was passed:

Learned Counsel for the petitioner seeks permission to withdraw the present writ petition with liberty to the petitioner to pursue his remedy under the Right to Information Act, 2005. Permission is granted. Writ petition is dismissed as withdrawn.

4. Thereafter, the Public Information Officer on 15.6.2007 illegally and arbitrarily dismissed the application. The petitioner moved the Appellate Authority and the Appellate Authority dismissed the appeal on frivolous grounds vide order dated 4.8.2007. The petitioner approached the Chief Information Commissioner for providing information to the petitioner under the RTI Act, but that application was not decided. The petitioner approached the High Court by filing C.W.P. No. 14919 of 2007 for directing respondent No. 2 to decide the appeal of the petitioner and the Hon'ble Division Bench vide order dated 24.9.2007 directed the Central information Commission to consider and dispose of the appeal of the petitioner within a period of four weeks.

5. The petitioner received letter dated 26.10.2007 from respondent No. 3 directing the petitioner to appear before the Commission on 7.11.2007. The petitioner appeared before the Commission on that date but neither the Public Information Officer of the Chief Public Information Officer, Canara Bank appeared before the Central Information Commission on the date fixed. The Central Information Commission, however, rejected the appeal of the petitioner vide impugned order dated 8.11.2007. The petitioner has challenged the above said three orders and counsel for the petitioner has argued on the line of pleadings detailed above.

6. The Central Information Commission vide impugned order dated 8.11.2007 has reached the conclusion that the petitioners is seeking information in respect of details of customers and the same falls under the exempted category under Sections 8(1)(d), 8(1)(e) and 8(1)(i) of the RTI Act. It has been further observed that information sought by the petitioner was not only from the Canara Bank but also from the Banking Division of the Government of India and from the department of Economic Affairs, Ministry of Finance. Both these authorities have transferred the RTJ application to the Canara Bank which is the appropriate Public Authority holding the information. It has been further observed that the petitioner is unnecessarily approaching multiple authorities for the same set of information knowing it fully well that the information requested is held by the Canara Bank and not by either the Banking Division or by the Department of Economic Affairs, Ministry of Finance. The competitive position of the third party including an information relating to commercial confidence, trade secrets or intellectual property cannot be sought as the same is barred under Section 8(1)(d) of the RTI Act. It has been further observed that personal information and the information between the person in fiduciary relationship, is exempted from disclosure under the RTI Act.

7. The petitioner was seeking the details of accounts of other private individuals and concerns and on that account, the same has been rightly declined. Instead of making the payment of the loan amount, for which he is legally bound, the petitioner has resorted to rush the hierarchy of the bank by filing application under the RTI Act in respect of information for which the bank is exempted under Section 8 of the RTI Act. It so seems that the petitioner has misused the provisions of RTI Act.

8. So, in these circumstances, the writ petition is without any merit and as such, the same stands dismissed.