

**Before the Central Information Commission, New Delhi**

Complaint No. CIC/SFIVO/C/2017/141327

In the matter of:

Priya Ranjan Srivastava

... Complainant

Vs

CPIO : Serious Fraud Investigation Office,  
Ministry of Corporate Affairs, New Delhi

... Respondent

**Submissions of CPIO/Respondent in respect of CIC's Order dated 30-8-2018.**

Respected Sir,

It is submitted that Serious Fraud Investigation Office (SFIO) is an investigating agency established under Section 211 of the Companies Act, 2013. This Office investigates such cases as are assigned to it by the Central Government i.e. Ministry of Corporate Affairs under Section 212 of the Companies Act, 2013. SFIO does not have suo motu power to initiate investigation.

Shri Priya Ranjan Srivastava, applicant/complainant has sought information under RTI Act, 2005 vide his Application (Regn. No. SFIVO/R/2017/50003 dated 14-2-2018) as detailed below:-

- (i) Please share a copy of FMR reported to SFIO by HDFC Bank.
- (ii) Has SFIO sought any clarification on the report so far? Please share a copy of that;
- (iii) Any response received from HDFC Bank? Please share a copy of that.

RTI Application also had an enclosure of the said FMR. That means the applicant was already in possession of a copy of the FMR. This

Contd. of 2

Kundan Rao

application was received online and the reply submitted was also online which is reproduced:-

SNo.	Action taken	Date of Action	Action taken by	Remarks
4.	Request rejected	17/02/2017	Kundan Lal(CPIO)	Section 8(1)(h)

In the light of the above reply, I would like to clarify that Section 8(1)(h) was not in reference to the copy of the FMR as the applicant was already in possession of the FMR at the material time which he had enclosed with his RTI application. The exemption Section was used for the other information sought at Sl. No.II and III. The concerned officer in SFIO vide letter No. SFIO/MRAU/2017/9991 dated 14/02/2017 (copy enclosed) had sought requisite information regarding FMR-1 from HDFC Bank. I would also like to bring to the notice of the Hon'ble Commission that FMR-1 reporting relates to fraud and inter alia contains sensitive and confidential information, the disclosure of which can hinder the process of investigation undertaken by the concerned bank/Police authorities/Central Bureau of Investigation. As such, it is a considered view, after due application of mind, that request seeking information on frauds where there is ongoing investigation by any agency, the same are rejected under Section 8(1)(h) of the RTI Act, 2005.

Further, SFIO using the provisions of Section 10 of the RTI Act, 2005, had recently taken up with HDFC Bank for their permission to share a copy of the instant FMR 1 with various applicants seeking information on the same. HDFC Bank vide email dated 24<sup>th</sup> September, 2018 has categorically stated "not to disclose/part with the copy of FMR report to the applicants and/or any third parties" (Copy of the email is enclosed for ready reference).

In view of the above stated clarifications, I hereby pray that the Hon'ble Commission may kindly reconsider the matter and drop the Show Cause Notice to be issued as per the above CIC's Order dated 30-8-2018.

Dated: 25-9-2018

*Kundan Lal*

(Kundan Lal)  
Deputy Diredctor(Admn)/CPIO  
Respondent