Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi – 110 067

CIC/AA/A/2020/49
CICOM/A/P/20/00021
CICOM/R/P/2020/00048

Name of the Appellant: Smt. Pooja V. Shah
12/8, Tirupati Balaji, Above Mangal Murti Hospital,
Charl Kandivli West, Mumbai - 109313

1.	Date of RTI application	15.01.2020
2.	Date of reply of the RTI application	30.01.2020
4.	CPIO (s) who furnished reply	Sh. R. Sitarama Murthy, CPIO (IC-SC).
3.	1st Appeal Date	04.02.2020
5.	Date of Decision	20.02.2020

Brief Facts of the case:-

(i). In his RTI application, the appellant asked for following information regarding his complaint Case File No. CIC/BKOIN/C/2017/181726:

1). "Applicant is complainant in the above No. Case File. Kindly provide Copy of Written Submission of Bank of India in above case submitted before Honourable Commission after the notice of hearing dated 26 March, 2019 was received. (As per this notice Honourable Commission had given direction that "All parties may submit their written submission if any to the Commission at least 7 days before the date of hearing. A copy of the same shall be served upon opposite party"). Opposite party viz. Bank of India avoided to send the above written Submission to this Applicant. Hence the above submissions be kindly sent to her in the interest of Equity & Justice.

2). Also kindly provide copy of written submission of the Bank in reply to the show cause notice served to them. It is humbly submitted that all documents submitted & part of the court records are Public Documents & hence are available under the RTI Act. Thus kindly provide me their written submission."

Reply of CPIO:-

(ii). In response to the RTI application Sh. R. Sitarama Murthy, CPIO (IC-SC), vide his letter dated 30.01.2020 informed the appellant that:

"The respondent did not make any written submissions in compliance of the Hearing Notice dated 23.09.2019 (for hearing held on 22.10.2019). However, Respondent has submitted its written submission to the Commission in compliance of Commission's order dated 13.11.2019 (vide their letter dated 19.01.2019). But the Commission's order dated 13.11.2019 were to file these written submissions before it only for examining whether any penalty is to be imposed or otherwise. It being so, these documents cannot be given at this juncture before conclusion of the examination by the Commission and

issue of final orders. You could have requested the Commission in the last hearing to direct the respondents to share this information to you. Alternately, you can request the Commission in the next dated of hearing for the same. Further, this registry is not the originator of this information. This information is exempt under Sec. 8(1)(g) and (h) of RTI Act. 2005.

As regards your query in 2nd para seeking copy of written submissions of the Respondent in reply to the Show-cause notice. since the show cause notice is yet to be issued. providing the written submissions in response thereof does not arise. ".

Ground of First Appeal:-

(iii). Aggrieved with reply furnished by the CPIO. the appellant filed First Appeal on following ground:

"....that the PIO has filed to give any reasoning as to how the above two sub-clauses (8(1)(g) and (h)) are applicable to the present case (for not providing copy of written submission of the Respondent Bank vide their letter dated 19.01.2020.)"

Decision with reasons:-

(iv). On perusal of the Appeal. RTI application. CPIO's reply and the comments submitted by him. it is observed that the first part of the appellant's query, regarding the copy of written submission by the respondent authority before the Commission in respect to the notice of hearing dated 26 March. 2019. has been replied by the CPIO. which is based on the facts available in record.

As far as the issue pertains to the later part of the appellant's query. which is for the copy of written submission submitted by the concerned bank in respect to the show cause notice served to them. the undersigned finds that this information has also been provided to the appellant that the show cause notice is yet to be issued, hence the question of providing the written submissions thereof does not arise.

In light of the above observation. the undersigned is of the opinion, that the replies given by the CPIO is factual and as per provision of the RTI Act. 2005. Therefore. further intervention is not required on the part of the FAA. in the matter.

(v). The appeal is being disposed of accordingly.

(vi). In case the appellant is aggrieved by the decision. he is free to file second appeal, if he so desires. before the Central Information Commission. Baba Gang Nath Marg, Munirka. New Delhi – 110 067 against this order within 90 days.

Dated: February 20, 2020.

C. I. C./के० सू० आ०
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Initials

MBalimane 20/2/2020

(Smt. Meena Balimane Sharma)

First Appellate Authority

Tel: 26162290

Copy to:-

1. **CPIO, RTI Cell. CIC, New Delhi.**
2. **Sh. R. Sitarama Murthy, CPIO (IC-SC), CIC, New Delhi.**

Sitarama 21/02/2020