

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

CICOM/A/P/20/00050
CICOM/R/P/20/00115

Name of the Appellant: Sh. Vincent Disouza
Pearl Colony
A/5, 1st Floor, Dr. B. A. Road
Dadar (E), Mumbai.

1.	Date of RTI application	11.02.2020
2.	Date of receipt of RTI application in RTI Cell of the Commission	17.02.2020
3.	Date of reply of the RTI application	16.03.2020
4.	CPIO (s) who furnished reply	Sh. R. Sitarama Murthy
5.	Date of First Appeal application	19.03.2020
6.	Date of receipt of First Appeal application in office of the FAA	12.06.2020
5	Date of Decision	29.06.2020

1. **Brief Facts of the case:-**

The Appellant, through his RTI applications, has asked for following information related to CIC Order No. CIC/BKON/A/2018/118606:-

- Please let me know Show Cause Notice issued to respondent/accused bank provide C.T.C. copy.
- Please let me know penalty imposed on respondent bank.
- Please provide me copy of reply of respondent bank to Show Cause Notice. If penalty imposed provide C.T.C. copy.
- If penalty not imposed, kindly provide info not imposed as per direction of CIC order.

2. **Reply of CPIO.**

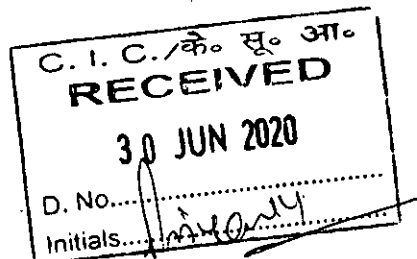
The point wise reply given by Sh. R. Sitarama Murthy, CPIO on 16.03.2020 is as follow:-

- The Show Cause Notice is yet to be issued in response to Hon'ble Commissioner's order dated 11.12.2019.
- (B&D) Show Cause hearing is yet to take place and hence imposition of penalty does not arise.
- (C). Since Show Cause Notice is yet to be issued, providing copy of reply of respondent bank in response to show-cause notice does not arise.

3. **Ground of First Appeal:-**

In First Appeal application, Appellant has mentioned following grounds for appeal:-

"Since Hon'ble Commissioner's order dated 11.12.2019, please let me know as per order till date even after three months two weeks no Show Cause Notice issued to bank/branch in spite of mention of Show Cause Notice in order dated 11.12.2019. Please provide info no Show Cause Notice issued till date".



4. **Decision with reasons:-**

On perusal of the Appeal, RTI application and reply given by CPIO, it is observed that the information provided by CPIO, Sh. R. Sitarama Murthy is as per information sought by the Appellant. It is pertinent to mention that under the provisions of the RTI Act, 2005 only such information as is available and existing and held by the public authority or is under control of the Public Authority can be provided. The PIO is not supposed to create information that is not a part of the record. Hence the reply, given by the CPIO is as per the provision of the RTI Act, 2005. Therefore, no further intervention is required on the part of the FAA.

5. The appeal is being disposed of accordingly.

6. 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 – 29th June, 2020.

Meena Balimane
29/6/2020
(Meena Balimane Sharma)
First Appellate Authority
Tel: 26162290

Copy to:-

1. Sh. Ram Kumar, CPIO, RTI Cell, CIC, New Delhi.
2. Sh. Sh. R. Sitarama Murthy, CPIO & DR to IC - SC, CIC, New Delhi