

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/UBIND/A/2020/101201

Gokuldas Ananth Kamath

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO: Union Bank of India
Tilakwadi, Belagavi

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

13 JUN 2022

RTI : 18.07.2019	FA : 07.09.2019	SA : 31.12.2019
CPIO : 06.09.2019	FAO : 26.09.2019	Hearing : 18.05.2022

CORAM:

Hon'ble Commissioner
SHRI SURESH CHANDRA

ORDER
(30.05.2022)

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From the Available Records

Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi - 110067

1. The issue under consideration arising out of the **second appeal dated 31.12.2019** include non-receipt of the following information raised by the appellant through the RTI application dated 18.07.2019 and first appeal dated 07.09.2019:-

➤ *Whether Regional Office, Belgaum and/or Belgaum main branch have confirmed the compliance of sanction stipulations to FGMO. Chennai in respect of sanction of credit facilities to M/s Golak Sugars Limited and M/s Ghataprabha Sahakari Karkhane Ltd.*

2. Succinctly facts of the case are that the appellant filed an application dated 18.07.2019 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Union Bank of India, Karnataka, seeking aforesaid

information. The CPIO vide letter dated 06.09.2019 replied to the appellant. Aggrieved with the same, the appellant filed first appeal dated 07.09.2019. The First Appellate Authority (FAA) vide order dated 26.09.2019 disposed of the first appeal. Aggrieved by the same, the appellant filed second appeal dated 31.12.2019 before the Commission which is under consideration.

3. The appellant has filed the instant appeal dated 31.12.2019 *inter alia* on the grounds that reply given by the CPIO was not satisfactory. The appellant requested the Commission to direct the CPIO to provide the complete information and take necessary action as per Section 20 (1) of the RTI Act.

4. The CPIO replied vide letter dated 06.09.2019 denied to provide information under Section 8 (1) (d) of the RTI Act, 2005. The FAA vide order dated 26.09.2019 stated that the appellant could not be furnished under Section 8 (1) (h) of the RTI Act.

5. The appellant and on behalf of the respondent Shri Prakash Shenoy, CPIO, Union Bank of India, Belgaon attended the hearing through video conference.

5.1. The appellant *inter alia* submitted that he was an ex-employee in the bank since 31 years. He further stated that in a case wherein fraud charges were framed against him and the matter was referred to investigation. Further, the charge sheet was filed and the High Court of Karnataka had quashed the charge sheet. However, the respondent had not provided the requisite information so far.

5.2. The respondent while defending their case *inter alia* submitted that they had challenged the decision of the High Court of Karnataka quashing the charge sheet against the appellant. Therefore, the issue had not yet attained finality and they had invoked exemption under section 8 (1) (h) of the RTI Act.

6. The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of records, observed that due reply given by the respondent was perfunctory. Perusal of the facts and records revealed that the investigation was completed and the charge sheet had been already filed. Moreover, the disclosure of the information was not exempted merely on ground of pendency before court of law.

Therefore, the exemption claimed under section 8 (1) (h) was not sustainable in the eyes of law. Therefore, principles of natural justice and public interest demands that the information be made available to the appellant within three weeks from the date of receipt of this order. With these observations and directions, the appeal is disposed of.

Copy of the decision be provided free of cost to the parties.

Sd/-

(Suresh Chandra) (सुरेश चंद्रा)
Information Commissioner (सूचना आयुक्त)

दिनांक/Date: 30.05.2022

Authenticated true copy

R. Sitarama Murthy (आर. सीताराम मूर्ती)

Dy. Registrar (उप पंजीयक)

011-26181927(०११-२६१८१९२७)

Addresses of the parties:

CPIO: UNION BANK OF INDIA
REGIONAL OFFICE, BELGAUM,
1049-B, KHANAPUR ROAD
TILAKWADI BELAGAVI - 590006

THE FIRST APPELLATE AUTHORITY
UNION BANK OF INDIA # 10/A
CHANDRAKIRAN KASTURBA ROAD,
BANGALORE -560001

SHRI GOKULDAS ANANTH KAMATH

13 JUN 2022
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R. SITARAMA MURTHY
Deputy Registrar
Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi-110067