

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/0000038
Right to Information Act-2005-Under Section (19)

Date of hearing : 13th January 2017

Date of decision : 13th January 2017

Name of the Appellant : **SMT. VIBHA GOEL**
W/O SHRI PRAMOD GOEL
98, HOPE APRTS, SEC-15, PART –II,
GRUGAON, HARYANA -122001

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER,**
SMALL INDUSTRIES DEVELOPMENT BANK
OF INDIA
HEAD OFFICE: "SIDBI TOWER",
15, ASHOK MARG, LUCKNOW,
UP- 226 001

RTI Application filed on : 30/07/2015

CPIO replied on : 25/08/2015

First Appeal filed on : 11/09/2015

First Appellate Authority order on : 17/11/2015

2nd Appeal received on : 29/12/2015

The Appellant was represented by her husband, Shri Pramod Goel, who was present in person.

On behalf of the Respondents, Shri U. S. Lal, CPIO was present at the NIC Studio, Lucknow and S/ Shri Parvinder Thukral, AGM and Jasprit Singh, SDA were present in person.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

This matter concerns an RTI application filed by the Appellant, seeking the following information regarding the account of M/s K.K. organics Pvt. Ltd.

- A. Copy of the deed of guarantee dated 25.6.1977 which was alleged to be executed by defendant No. 1 for buy back of 4,80,000 equity shares of the company.
- B. Copy of deed of mortgage with tile documents of immovable property mentioned in the application, which was alleged to be mortgaged.
- C. Copies of documents of calculation sheet as EX PW2/6 and the statement of the account as Ex-PW2/7.

The CPIO reply

The CPIO provided information on points A and C and in respect of point B, he stated that no mortgage had been created in respect of the property mentioned in the application.

Grounds of the First Appeal

Not satisfied with the CPIO's reply

Order of the First Appellate Authority

The FAA stated that the available information had already been provided by the CPIO.

Grounds of the Second Appeal

Complete information not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The representative of the Appellant submitted that complete and correct information sought in the RTI application has not been provided to the Appellant.

With regard to the CPIO's reply dated 25.8.2015 to point A of the application, he submitted that the document dated 25.6.1997, a copy of which has been provided is not the document which was alleged to have been executed by defendant No. 1 in the DRT case for buy back of 4,80,000 equity shares of the company as observed by the Tribunal and mentioned in paragraph 21 of their final order passed on 12.6.2015. The Respondents submitted that there were two documents dated 25.6.1997, one concerning the loan, involving the execution of guarantee, which has been provided to the Appellant. The other document dated 25.6.1997 which, they admitted, is also in their possession, is in respect of Venture Capital Equity and does not involve the issue of guarantee. We have considered the submissions of both the parties and note that even though in point A, the Appellant mentioned the words "alleged deed of guarantee", the information sought by him was specifically in respect to the buy back of equity shares. Therefore, the CPIO is directed to provide to the Appellant a copy of the second document dated 25.6.1997 in respect of the Venture Capital Equity/ buy back of equity shares.

2. With regard to point B, the Appellant submitted that the CPIO has stated that in his reply dated 25.8.2015 that no mortgage had been created in respect of the property bearing No. 98, Hope Apartments, Sector 15, Part II, Gurgaon. However, in its order dated 12.6.2015, the Tribunal stated that in case of failure to deposit of an amount within the stipulated period, the same shall be recovered from the sale of the mortgaged immovable property bearing the above address. The Respondents stated that the above mentioned property was not mortgaged to them. At this stage, the Appellant provided us a copy of the record from the 'master ledger for New Delhi-300

as on 20.8.2015', which shows an entry concerning equitable mortgage of the above property. The Respondents reiterated that the property was not mortgaged to them and stated that the reference to equitable mortgage was an error. In view of the foregoing, we direct the CPIO to file a sworn affidavit to the Commission, with a copy to the Appellant, to the effect that the immovable property bearing No. 98, Hope Apartments, Sector 15, Part II, Gurgaon was not mortgaged to the bank at any stage.

3. As for point C of the RTI application, the Appellant stated that he had sought copies of two documents: PW 2/6 mentioned in paragraph 6 of the affidavit filed by Shri Khazan Singh Sighwan working as Chief General Manager and PW 2/7 as mentioned in paragraph 7 of the same affidavit. The Respondents submitted that they have copies of both PW 2/6 and PW 2/7. However, the contents of both the documents are the same. In view of the foregoing, the CPIO is directed to provide to the Appellant copies of both the above documents, while also certifying that contents of both the documents, as per the records of the bank, are the same. The Appellant also complained that the Respondents are not providing him copy of the statement of an account even though it is available in their system and alleged that they are doing so deliberately. He wanted direction from the Commission to them to provide a copy of the said statement. However, since this particular bit of information did not form part of the information sought in the RTI application dated 30.7.2015, which is under consideration in this order, we would refrain from issuing any direction to the Respondents in this regard.

4. The CPIO should comply with our above directives within fifteen days of the receipt of this order, under intimation to the Commission. The information should be provided free of charge and should be certified by the CPIO.
5. With the above directions and observations, the appeal is disposed of.
6. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar