

Central Information Commission, New Delhi
File No. CIC/SH/C/2016/000053
Right to Information Act-2005-Under Section (18)

Date of hearing : 3rd March 2017

Date of decision : 3rd March 2017

Name of the Complainant : SHRI D.P. SINGH

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
UNION BANK OF INDIA
UNION BANK BHAWAN, 14TH FLOOR,
239, VIDHAN BHAWAN MARG,
NARIMAN POINT, MUMBAI,
MAHARASHTRA- 400021

RTI Application filed on : 19/03/2015

CPIO replied on : 21/04/2015

First Appeal filed on : 1-25/04/2015, 2-14/05/2015

First Appellate Authority order on : —

Complaint received on : 21/10/2015

The Complainant was present in person.

On behalf of the Respondents, Shri Anshu Alok, Chief Manager was present at the NIC Studio, Mumbai.

Information Commissioner : Shri Sharat Sabharwal

Information sought

1. The action taken on the complaint received from the Complainant regarding non clearance of a cheque deposited by him, on day to day basis.

2. How the loss incurred by the Complainant would be compensated by the Bank?

The CPIO reply

The CPIO responded to both the queries on 21.4.2015.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

No order passed.

Grounds of complaint to the CIC

Not satisfied with the reply given by the CPIO.

Relevant facts emerging during the Hearing, Discussion and Decision

The Complainant stated that he has an account with a branch of the Respondents and had presented a cheque of Rs. 4 lakhs, issued by a third party to him, for credit to his account. He further submitted that the Respondents sent the cheque for collection to the HDFC Bank, who sought certain clarifications. He claimed that the clarifications sought were to be given by the Respondent Bank and nothing was required from his side. However, the bank took no further action on the cheque and kept it pending for ten to twelve days, when he contacted the Respondents about its collection. At this stage, the cheque was presented again for collection and was returned unpaid because of some issues with the account of the drawer of the cheque in the HDFC Bank. The Complainant believes that the delay in sending his cheque for clearing a second time was without any justification and that this delay resulted in some developments concerning the account of the drawer of the cheque, which resulted in the cheque remaining unpaid. According to the Complainant, he made complaints at various levels in the Respondent Bank on the issue. Having received no reply, he filed his RTI application. He maintained that he

received no response whatsoever from the FAA to his first appeal. In response to our query, he gave us a copy of the CPIO's reply dated 21.4.2015, which he had not sent with his complaint to the Commission. On being asked as to what relief he sought from the Commission, the Complainant reiterated that the information sought was not provided and the FAA did not respond at all and prayed for action against the bank.

2. The Respondents stated that the RTI application was received by them on 26.3.2015 and a reply was sent by the CPIO on 21.4.2015. The FAA disposed of the first appeal dated 25.4.2015 of the Complainant on 27.6.2015. However, on being informed by the Complainant that he had not received a reply of the FAA, another copy was sent to him by speed post on 14.8.2015. The Complainant stated that the reply of the FAA was not received by him. The representative of the Respondents read out the address of the Complainant given on the FAA's reply and we note that it was the same as the address given on our notice for today's hearing, in response to which the Complainant came to attend the hearing. In response to a query from us, the representative of the Respondents stated that copies of the relevant dispatch / postal record regarding dispatch of the FAA's reply on the two occasions mentioned above would be sent to the Complainant.

3. We have considered the records and the submissions of both the parties and note that the CPIO's reply was sent within the time-frame stipulated in the RTI Act. In response to point No. 1, he provided the noting dated 13.9.2014 of the branch concerned in which the Branch Manager had stated the following:-

“The cheque of Mr. Dharam Pal Singh a/c no. was presented for clearing on 01.08.2014 and was cleared / rejected on 02.08.2014. On 03.08.2014 being Sunday its return despatch was received in the branch on 04.08.2014. The mobile no. written on the back of the cheque was wrong due to which the number was not reachable and he could not be contacted at that time, we tried the number for 3 days so we waited till the customer approach us. He came on 11th August and we represented the cheque the same day which was then presented for clearing on 12.08.2014 and was cleared / rejected on 13.08.2014.

We would like to inform you that we did not delayed the cheque presentation from our end. Return memo’s are generally received after 2-3 days in branch and we do inform the clients the same day only as soon as we receive the same which is the procedure strictly followed in our branch.” (sic.).

In response to point No. 2, the CPIO stated that the query was hypothetical and based on presumptions and no information had been sought. On perusal of the records placed before us, we see no ground to fault the reply of the CPIO. The issue involves a dispute as the Complainant believes that the bank was remiss in delaying presentation of his cheque for collection, while the bank maintain that they were not at fault. This dispute cannot be resolved under the RTI Act. The Respondents having committed themselves to a clear position as per the CPIO’s reply dated 21.4.2015, it is up to the Complainant to approach an appropriate forum for redressal of his grievance. In view of the foregoing, we see no ground for action against the CPIO under Section 20 of the RTI Act. As regards the Complainant’s plea concerning no reply from the FAA, it is seen from the submissions of the Respondents that the reply was sent twice to the Complainant and they have assured us that copies of the relevant dispatch / postal record would be sent to the Complainant. In any case, there is no provision in the RTI Act for penalising the FAA.

4. In view of the foregoing, further enquiry into this complaint is not considered necessary.
5. With the above observations, the complaint 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