

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000072
Right to Information Act-2005-Under Section (19)

Date of hearing : 9th January 2017

Date of decision : 9th January 2017

Name of the Appellant : **SHRI KUNDAN KUMAR SINHA**
CHIRAGORA,HIRAPUR,DHANBAD,
JHARKHAND- 826001

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER,**
CENTRAL BANK OF INDIA
KRISHNA ARCADE, 2ND FLOOR,
BOOTMORE, RANCHI,
JHARKHAND - 834 009

RTI Application filed on : 25/06/2015

CPIO replied on : 14/07/2015 and 28/09/2015

First Appeal filed on : 08/08/2015

First Appellate Authority order on : 14/09/2015

2nd Appeal received on : 29/12/2015

The Appellant was present at the NIC Studio, Dhanbad.

On behalf of the Respondents, Shri N. P. Pandit, Chief Manager was present at the NIC Studio, Ranchi.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

This matter concerns an RTI application filed by the Appellant, seeking information on nine points regarding auction of a property under the SARFAESI Act.

The CPIO reply

The CPIO denied the information under section 8 of the RTI Act on 14.7.2015.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

The FAA directed the CPIO to give a point wise reply to the Appellant. The CPIO complied with the order of the FAA and denied the information under section 8 (1) (j) of the RTI Act vide his letter dated 28.9.2015.

Grounds of the Second Appeal

Information sought not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that the information sought was regarding the auction of a property and claimed that the person whose property was auctioned is known to him. He further submitted that auction of a property by a bank is a public act and every citizen has the right to get information concerning it. He also stated that the information was not provided to him even though the FAA directed the CPIO to do so. The Respondents reiterated the CPIO's decision to deny the information under Section 8 (1) (j) of the RTI Act.

2. We have considered the records and the submissions of both the parties. We note that in his order dated 14.9.2015, the FAA did not ask the CPIO to provide the information, but only to respond point-wise to the RTI application, giving the reason for his decision. Pursuant to the order of the FAA, the CPIO sent a letter dated 28.9.2015 and denied the entire information again under Section 8 (1) (j) of the RTI

Act. It is noted that the Appellant sought information regarding auction of the property of a third party by the bank and has established no connection to that property, except for making a general claim that the owner of the property is known to him. Even though the CPIO is normally expected to respond separately to each query of an RTI application, in the instant case, in our view, since the entire information pertained to the auction of the property of a third party, it was exempted from disclosure under Section 8 (1) (j) of the RTI Act. Therefore, we would not fault the CPIO's reply dated 28.9.2015, pursuant to the order of the FAA. The Appellant has not established any larger public interest for disclosure of the information sought by him.

3. With the above observations, the appeal is disposed of.

4. 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