

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000089
Right to Information Act-2005-Under Section (19)

Date of hearing : 20th January 2017

Date of decision : 20th January 2017

Name of the Appellant : SHRI KISHANLAL MITTAL
1305, DHARUV, ASHOK VAN,
BORIVALI- EAST, MUMBAI- 400066

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
IDBI BANK LTD
REGD. OFFICE, IDBI TOWER, WTC COMPLEX,
CUFFE PARADE, MUMBAI- 400005

RTI Application filed on : 05/08/2015

CPIO replied on : 03/09/2015

First Appeal filed on : 20/09/2015

First Appellate Authority order on : 27/10/2015

2nd Appeal received on : 31/12/2015

The Appellant was not present.

On behalf of the Respondents, Shri Nitish Kumar, DGM was present at the NIC Studio, Mumbai

Information Commissioner : Shri Sharat Sabharwal

Information sought

- a) Provide information in respect of the agreement of IDBI bank with any bank for Central/ State Government tax payment. Kindly provide details of each of such agreement.
- b) If no agreement was available, kindly provide mechanisms under which IDBI Bank allows other banks to make online tax payments for their customers.
- c) Kindly provide fees/ commissions/ or payment made under any head to other banks for tax payments with the IDBI Bank.

- d) Copies of list of email ids/ phone Nos. of people in IDBI Bank. Also provide information under section 4 of the RTI act. If details were available online, kindly provide web links for each subsection of section 4.
- e) Copy of minutes of meeting of Board of IDBI Bank Ltd.

The CPIO reply

The CPIO gave a point wise reply and denied the information sought at point (a) under Section 8 (1) (d) & (e) of the RTI Act. He also denied minutes of board meeting at point (e) under section 8 (1) (d) of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIO's reply on all the points.

Order of the First Appellate Authority

The FAA upheld the CPIO's reply.

Grounds of the Second Appeal

Not satisfied with the reply given by the Respondents at points (a), (b), (d) and (e).

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant was not present in spite of a written notice having been sent to him. The Respondents reiterated the reply of the CPIO. With regard to point (a) of the RTI application, the representative of the Respondents stated that the information sought therein is exempted from disclosure under Section 8 (1) (d) and (e) of the RTI Act. In response to our query, he stated that a standard agreement used to be signed with the partner bank, with some variations in the agreements signed with individual banks. He was unable to justify invocation of Section 8 (1) (d) by the CPIO and could not establish that disclosure of the information sought at point (a) would

harm the competitive position of any party. Further, we note that the relationship between the Respondents and their partner banks cannot be regarded as a fiduciary relationship, attracting Section 8 (1) (e) of the RTI Act. In view of the foregoing, the CPIO is directed to provide to the Appellant a copy of the standard agreement that formed the basis of the agreements that were signed by the Respondents with their partner banks. The CPIO should provide this information, free of charge, within twenty days of the receipt of this order, under intimation to the Commission.

2. With regard to point (e), we note that the information sought was copies of minutes of meetings of board of the IDBI Bank Ltd. No period of information was indicated. The Appellant was also not present during the hearing to make any submission regarding the period for which he needed the minutes of the board meetings. Further, we note that these minutes would contain a good deal of information concerning matters of commercial interest/ commercial confidence to the Respondent Bank and, therefore, we uphold the CPIO's decision to deny this information under Section 8 (1) (d) of the RTI Act.

3. On perusal of the records, we see no ground to interfere with the CPIO's reply to points (b), (c) and (d).

4. With the directions in paragraph 1 and the above observations, the appeal is disposed of.

5. 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