**By Regd. Post AD**

Ref.No.3659/FAA/2013/A-18 October 23, 2013

***APPELLATE AUTHORITY UNDER***

***RIGHT TO INFORMATION ACT (RTI ACT), 2005***

***SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (SIDBI / BANK)***

**APPEAL UNDER SECTION 19(1) OF THE RTI ACT BY SHRI RANDOLPH ROWE AGAINST THE ORDER NO. 1037 DATED 24/09/2013 OF CENTRAL PUBLIC INFORMATION OFFICER (CPIO) OF SIDBI REGARDING HIS RTI APPLICATION DATED 19/08/2013**

**Background :**

The Information Seeker Shri Randolph Rowe, resident of 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No. 53, Sector 29, Vashi, Navi Mumbai 400 703, filed an application dated August 19, 2013 under the provisions of the Right to Information Act, 2005 before the CPIO of Small Industries Development Bank of India, seeking various information connected with National Equity Fund (NEF) Scheme, Mahila Udyam Nidhi (MUN) Scheme, Seed Capital Assistance (SCA) Scheme and Self-Employment Scheme for Ex-Servicemen (SEMFEX). The information was sought under seven heads as mentioned in the application*.*

CPIO disposed off the said application vide order no. 1037 dated September 24, 2013. The applicant seeker was provided with the available information in respect of five out of the seven heads. The information provided to the applicant ran into more than 450 pages and covered the information about outstanding amounts/ repayments/ disbursements/ data about the amount of rebate etc pertain to various financial years etc. With regard to the information sought by the applicant at serial no. (iv) and (v) of his application, the applicant was informed by CPIO that “*the requested information are confidential in nature, which if disclosed, would affect the competitive position of the respective PLIs public authorities. Further, the information is held with the public authority i.e. SIDBI under fiduciary relationship. Therefore, the requested information are, exempt from disclosure under section 8(1)(d) & (e) of the RTI Act”.*

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In his above mentioned appeal Shri Rowe has challenged the order of CPIO on various grounds, inter alia, that the amount are written off in the books of SIDBI and not in the books of the Primary Lending Institutions. The amounts are not written off in response to any request made by the Primary Lending Institutions. It is also contended that data is extracted from the records of SIDBI, therefore, the question of SIDBI holding any information made available by Primary Lending Institutions in a fiduciary capacity does not arise. The applicant has also tried to bring in public interest in disclosure of information by contending that amount written off is loss to the exchequer.

**Decision :**

I have gone though the contents of the Appeal dated October 03, 2013 (received on August 08, 2013) of the information seeker as also his Application dated August 19, 2013 and the order No. 1037 dated September 24, 2013 passed by CPIO of the Bank in disposing off the said application. The information was sought by the applicant under seven heads as mentioned in the application seeking various information connected with National Equity Fund (NEF) Scheme, Mahila Udyam Nidhi (MUN) Scheme, Seed Capital Assistance (SCA) Scheme and Self-Employment Scheme for Ex-Servicemen (SEMFEX). Admittedly the CPIO vide his order dated September 24, 2013 provided to the applicant information in respect of 5 heads covering outstanding amounts/ repayments/ disbursements/ data about the amount of rebate etc pertaining to various financial years etc. which ran into more than 450 pages. As regards the information sought by the applicant at serial no. (iv) and (v) of his application, I note that the applicant had sought copies of office note for actual write off and or/ prudential write off under various above mentioned schemes for different periods and also memorandum to the Board of Directors or any committee of the Board for reporting/ approval. There is no doubt that the information/ documents which has not been provided to the applicant do contain information about other institutions, banks and also their clients disclosure of which are not only confidential in nature but disclosure of the same would also affect the competitive position of the respective institutions, banks public authorities. Admittedly the applicant has already been provided with the information disclosure of which was

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warranted under the provisions of RTI Act. The applicant has not made out any case for disclosure of the information except his contention for public interest. That being the case I do not find any infirmity with the order passed by CPIO in the matter. CPIO has rightly claimed exemption under section 8(1)(d) & (e) of the RTI Act.

Order accordingly.

Copy of this decision be sent to the Information Seeker and the CPIO.

**Sd/-**

**(शैलेन्द्र महलवार / Shailendra Mahalwar)**

**मुख्य महाप्रबंधक (विधि) तथा प्रथम अपीलीय प्राधिकारी /**

**Chief General Manager (Legal) and**

**First Appellate Authorty**

Endt. No.3659A/FAA/2013/A-18 of date 23/10/2013

1] Shri Randolph Rowe, 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No.53, Sector 29, Vashi, Navi Mumbai – 400 703.

2] Shri U.S.Lal, GM [Legal] & CPIO, SIDBI, Head Office, Lucknow.

**[एस.बी. साहू / S. B. Sahu]**

**सहा. महाप्रबंधक (प्रथम अपीलीय प्राधिकारी का कार्यालय) /**

**Assistant General Manager( Office of FAA)**