



By Registered AD

Ref. No.L000127413/RTI/A-09/2018

September 18, 2018

**APPEAL No.09/2018-19 BEFORE
FIRST APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005**

Background:

The Appellant, Shri Vijay Wamanrao Bodke, Prop. Poly Products, Nashik, 3, Sunshine Apartment, Near Aditya Petrol Pump, Gangapur Road, Nashik-422013, Maharashtra has preferred the present appeal dated August 21, 2018 under section 19(1) of RTI Act (received by office of First Appellate Authority (FAA) on August 29, 2018) against the Order No.2439 dated August 02, 2018 passed by CPIO requesting intervention of FAA in providing information sought by him in the RTI application.

Observations :

I have gone through the contents of his Appeal dated August 21, 2018, as also the order No.2439 dated August 02, 2018 passed by CPIO in the matter. It is observed that vide his RTI application dated July 12, 2018, the appellant had sought various information regarding loan availed by Mr. Vijay Wamanrao Bodke, Prop. of Poly Products, Nashik from SIDBI, Nashik Branch Office, Nashik i.e. The Statement of Accounts indicating principal and interest separately of the Loans availed by Mr. Vijay W Bodke from disbursement of loan to till date; The copy of the Release Deed pertaining to Plot No. D-16, Ambad MIDC, Nashik sold with permission of SIDBI to the RAPSCOS Bio-Pharma Pvt. Ltd. & receipts for the payment of Rs.10 lakhs & Rs. 150 Lakhs appropriated in the loan account of Poly Products by the SIDBI; The details of the amount debited by the SIDBI towards CGTMSE Scheme in support of receipts & insurance copies for the loan availed by the Poly Products; The copy of the Circular of OTS Scheme made available in the SIDBI and also the RBI guidelines under OTS

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"सिडबी टावर", 15, अशोक मार्ग, लखनऊ - 226 001. दूरभाष: +91 522 4259700, फैक्स: +91 522 2288459

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"SIDBI Tower", 15, Ashok Marg, Lucknow-226 001, Tel. : +91 522 4259700, Fax : +91 522 2288459

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Scheme applicable to the SIDBI and the copies of the letters given by Poly Products letter for release of security as "Flat, 4, Anuj Apartment College Road, Nashik-5".

The Appellant has made this appeal on the following grounds i.e. i) The information sought are not provided as per the application dated 12/07/2018 & incomplete information is provided, ii) The statement of account as per Para No. 1 is sought since disbursement of loan to till date. However, on perusal of the information, the statement of account provided from 01.01.2015 to 10.07.2018 instead of 21.03.2013 to 31.12.2014 for the loan of Rs.30 lakhs and another loan sanctioned Rs.200 lakhs from 13.10.2011 to 31.12.2014 not provided by the PIO, iii) Para No. 2: The copy of the Release Deed demanded by the Applicant but false information provided NOC which is not sought by Applicant, iv) Para No. 3: The copy of the receipt for the payment of CGTSME premium is not provided by the PIO wherein which loan is covered under the CGTSME scheme is also not given in the information, v) Para No. 4: OTS scheme is non discriminatory to the all borrowers and RBI guidelines for OTS is regarded as a statutory flavor which is binding on the banks / financial institution to provide all the borrowers as per the Judgement/ ruling of the Hon'ble Supreme Court in the case of Sardar Associates V/s Punjab and Sind Bank as per the Civil Appeal No. 4970-4971 of 2009. The information sought concerned the Interests of a large number of borrowers. Hence, such information has to be disclosed in public interest. The Commission held that the information sought does not concern commercial secrets as per the terms of Section 8(1)(d) of the RTI Act, and is therefore not exempted from disclosure, and vi) Para No. 5: The copy of the release letters of security being Flat No. 04, Anuj Apartment are given number of times out of which only single letter is provided by the PIO and hence, the said information is also incomplete and misleading because of other letters are purposely suppressed by the concerning officer which is vital document in our matter and therefore, wrong and false information provided by the PIO.

I observe that information with respect to the query at Sl. no.3(i), the Appellant had requested the Statement of Accounts indicating the principal and interest separately of the loans availed by Mr. Vijay W Bodke from disbursement of loan to till date and CPIO had provided the statement of Account of M/s Poly Products from 01/01/2015 to 10/07/2018. The Appellant has alleged that statement of accounts for the loan of Rs.30 lakhs for the period 21/03/2013 to 31/12/2014 and loan of Rs.200 lakhs from 13/10/2011 to 31/12/2014 was not provided by the PIO. Since it has not been provided, therefore, I found merit in the appeal and direct the CPIO to provide the information, if available. If not available, the same should also be communicated to Appellant.

With respect to query no. 3(ii) i.e. the copy of the Release Deed pertaining to plot No. D-16, Ambad, MIDC, Nashik sold with permission of SIDBI to RAPSCOS Bio-Pharma Pvt. Ltd, I found merit in the appeal since the same has not been provided by CPIO and direct the CPIO to provide the information, if available. If not available, the same should also be communicated to Appellant.

With respect to query no. 3(iii), the information has already been provided by CPIO as asked by the Appellant i.e. the details of the amount debited by the SIDBI towards CGTMSE Scheme in support of receipts. However, now the Appellant is requesting for the copy of receipt for the payment of CGTMSE premium which is a new information and it is sought for the first time at the first appeal stage. Therefore, the aforesaid request of the Appellant is not maintainable as new information at the stage of appeal can not be allowed. With regard to the second part of query no. 3(iii) i.e. insurance copies for the loan availed by the Poly Products, the information has already been provided by CPIO and I find that the CPIO provided the information available on record. The ground for appeal by the Appellant is not maintainable.

With respect to query no. 3 (iv), CPIO has rightly claimed the exemption under section 8(1)(d) of RTI Act. It is also informed that OTS Scheme is an internal policy document meant for internal circulation and use. The Appellant may also refer the

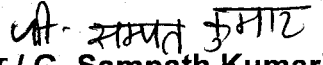
disclosure policy on SIDBI's website i.e. www.sidbi.in. Therefore, the ground for appeal is not maintainable.

With respect to query no. 3(v), CPIO had provided the copy of the letters given by Poly Products letter for release of security as "Flat, 4, Anuj Apartment College Road, Nashik-5". However, the Appellant now alleged that release letters of security for the said property were given number of times, therefore, I allow this appeal and direct the CPIO to provide the other release of letters of security as "Flat, 4, Anuj Apartment College Road, Nashik-5" by Poly Products if available. If not available, the same should also be communicated to Appellant.

Order :

I allow this appeal partly in respect of his Sl. No.3 (i), 3(ii) and 3(v) of RTI application and direct the CPIO to provide the information if available or otherwise within 20 working days from the date of receipt of the order. The appeal is accordingly disposed of.

Copy of this order be sent to the appellant and CPIO.


(जी सम्पत कुमार / G. Sampath Kumar)
महा प्रबंधक तथा प्रथम अपीलीय प्राधिकारी
**General Manager and
First Appellate Authority**