



By Registered AD

Ref. No.L00099131/RTI/A-22/2018

March 23, 2018

***APPEAL No.22/2017-18 BEFORE  
FIRST APPELLATE AUTHORITY UNDER  
RIGHT TO INFORMATION ACT (RTI ACT), 2005***

**Background:**

The Appellant, Mrs. Mamta Sethi, Wd/o Late Shri Subhash Sethi, C/o Shri Ravi Data, Advocate D-29, Front Lower Ground Floor, Jangpura Extension, New Delhi-110014 has preferred the present appeal dated Nil (received by office of First Appellate Authority (FAA) on February 26, 2018) against the Order No.2318 dated January 25, 2018 passed by CPIO.

Not satisfied with the said order, the appellant has preferred this appeal, requesting intervention of FAA in providing information sought by her in the RTI application.

**Observations :**

I have gone through the contents of his Appeal dated Nil, as also the order No.2318 dated January 25, 2018 passed by CPIO in the matter. It is observed that vide her above RTI application; the appellant had sought information relating to loan account of M/s Sethi Amusement Pvt. Ltd i.e. Offer document dated 31/03/2010 given by ISARC to SIDBI before assignment of captioned account, Trust Deed of ISARC-SIDBI-2/2009-10 Trust executed between ISARC and SIDBI, Deed of assignment executed between ISARC and SIDBI, deed of amendment dated 17/10/2014 in relation to the Security Receipts(SR's), offer document dated 02/01/2015 given by "Centrum Financial Services Limited" to SIDBI for purchasing 5974 number of SR's out of 6677 number of SR's subscribed by SIDBI in Scheme "B" of above trust, application form for security Receipts given by "Centrum Financial Services Limited" to SIDBI for purchasing 5974 number of SR's out of 6677 number of SR's subscribed by SIDBI in Scheme "B" of above trust,

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how much money has been paid by Centrum Financial Services Limited to SIDBI, how much money has been paid by Centrum Financial Services Limited to ISARC, Security Receipts given to Centrum Financial Services by SIDBI and Security Receipts given by Centrum Financial Services by ISARC.

I observe that with respect to Sl. no. (a), & (c) of the RTI Application, CPIO rightly claimed exemption under Section 8(1)(d) and 8(1)(e) of RTI Act, 2005 as the requested information pertains to a financial deal between SIDBI and ISARC which are held in commercial confidence. It is observed that along with Accounts of Sethi Amusement Pvt. Ltd, there are 167 other borrowers account which has been transferred to ISARC and these information are held by SIDBI in fiduciary capacity and no larger public interest warrants its disclosure. The ground for appeal by the Appellant cannot be entertained.

With respect to query at Sl. no. (b), I observe that CPIO has already mentioned that no Trust Deed was signed between ISARC and SIDBI. But, a Declaration of Trust executed by ISARC who is a third party and held by SIDBI in commercial confidence and fiduciary capacity and no larger public interest warrant for its disclosure, therefore, it is rightly exempted from disclosure under section 8(1)(d) and (e) of the RTI Act. Further, with respect to query at Sl. no. (d) regarding a copy of deed of amendment dated 17/10/2014 in relation to the Security Receipts, CPIO has clubbed up with the information supplied with at par with Sl. no. (b) in her reply by quoting the exemption from disclosure under section 8(1)(d) and (e) of RTI Act as this is a third party information and held by SIDBI in commercial confidence and fiduciary capacity and no larger public interest warrant for its disclosure. Hence, the ground for appeal is dismissed.

Regarding query no. (e),(f) & (g), the Appellant has sought a copy of offer document dated 02/01/2015 given by Centrum Financial Services Limited to SIDBI for purchasing 5974 number of SR's out of 6677 number of SR's subscribed by SIDBI in Scheme "B" of this trust, application form for Security Receipts given by Centrum Financial Services Limited to SIDBI for purchasing 5974 number of SR's out of 6677 number of SR's subscribed by SIDBI in Scheme "B" of this trust and how much money has been paid by Centrum Financial Services Limited to SIDBI, the CPIO has rightly



mentioned that the requested information is exempted from disclosure under section 8(1)(d) and (e) of the RTI Act as these information pertains to a financial deal between SIDBI and Centrum Financial Services Ltd (CFSL) related to a loan account which is held by SIDBI in commercial confidence and fiduciary capacity. Hence disclosure of these information would harm the competitive position of the CFSL and also there is no large public interest warrant for its disclosure. The ground for appeal as raised by the Appellant is not acceptable.

With respect to query no. (h) and (j), I observe that CPIO has already informed the requested information is not available with SIDBI. Since the said information is not available with the Public Authority, it can not be provided to the Appellant. However, the CPIO is advised that the information may be checked once again and requested to provide the requisite information to the Appellant, if available, and, if not available, the same should be also communicated.

Regarding query no. (i), the CPIO has already mentioned that Security Receipts were in Demat format and not in physical form, therefore, copy of Security Receipts are not available. Further, I observe that the requested information is also held by SIDBI in fiduciary capacity and no large public interest warrant for its disclosure, hence exempted under Section 8(1)(d) and (e). Therefore, ground for appeal is dismissed.

**Order :**

I allow this appeal partly in respect of his Sl. No. (h) & (j) 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 disposed off accordingly.

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

(यू. एस. लाल / U. S. Lal)

मुख्य महाप्रबंधक (विधि) तथा प्रथम अपीलीय प्राधिकारी  
**Chief General Manager (Legal) and  
First Appellate Authority**