



Ref.No. 160140 / RTI/A-02/2019-20

May 10, 2019

**APPEAL NO. A-02/2019-20 BEFORE
FIRST APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005**

Background:

The Appellant, Shri Suresh Kumar Agarwal, M/s Devashish Silk Mills Pvt. Ltd. 4-6-90/17/3/1/1, Tejaswi Nagar Colony, Attapur, Hyderabad (Adjacent to Blooming Buds School), Telangana – 500 048 has preferred the present appeal dated April 8, 2019 under section 19(1) of RTI Act and received by office of First Appellate Authority (FAA) on April 12, 2019 against the letter number 154548/ RTI-5 /2592 dated March 25, 2019 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 April 08, 2019 as also the letter number 154548/ RTI-5 /2592 dated March 25, 2019 passed by CPIO in the matter. It is observed that vide his RTI application dated February 22, 2019 the appellant has, inter alia, sought information on 'The assignment agreement dated January 18, 2018 by and between SIDBI & ISARC with reference to the underlying securities and guarantees of credit facilities sanctioned by Small Industries Development Bank of India to India SME Asset Reconstruction Company Limited. The copy of assignment agreement 18/01/2018 is required with Annexure if any'.

Not satisfied with the reply given by the CPIO, the Appellant has made this appeal with regard to the order of CPIO for seeking the information as per column no. 6 of RTI Application dated February 22, 2019 which was denied by CPIO on the grounds that the requested information is held by the public authority i.e. SIDBI, in fiduciary capacity and larger public interest does not warrant disclosure of the same. Hence, the requested information is considered exempted from disclosure under section 8(1) (e) of the RTI Act.

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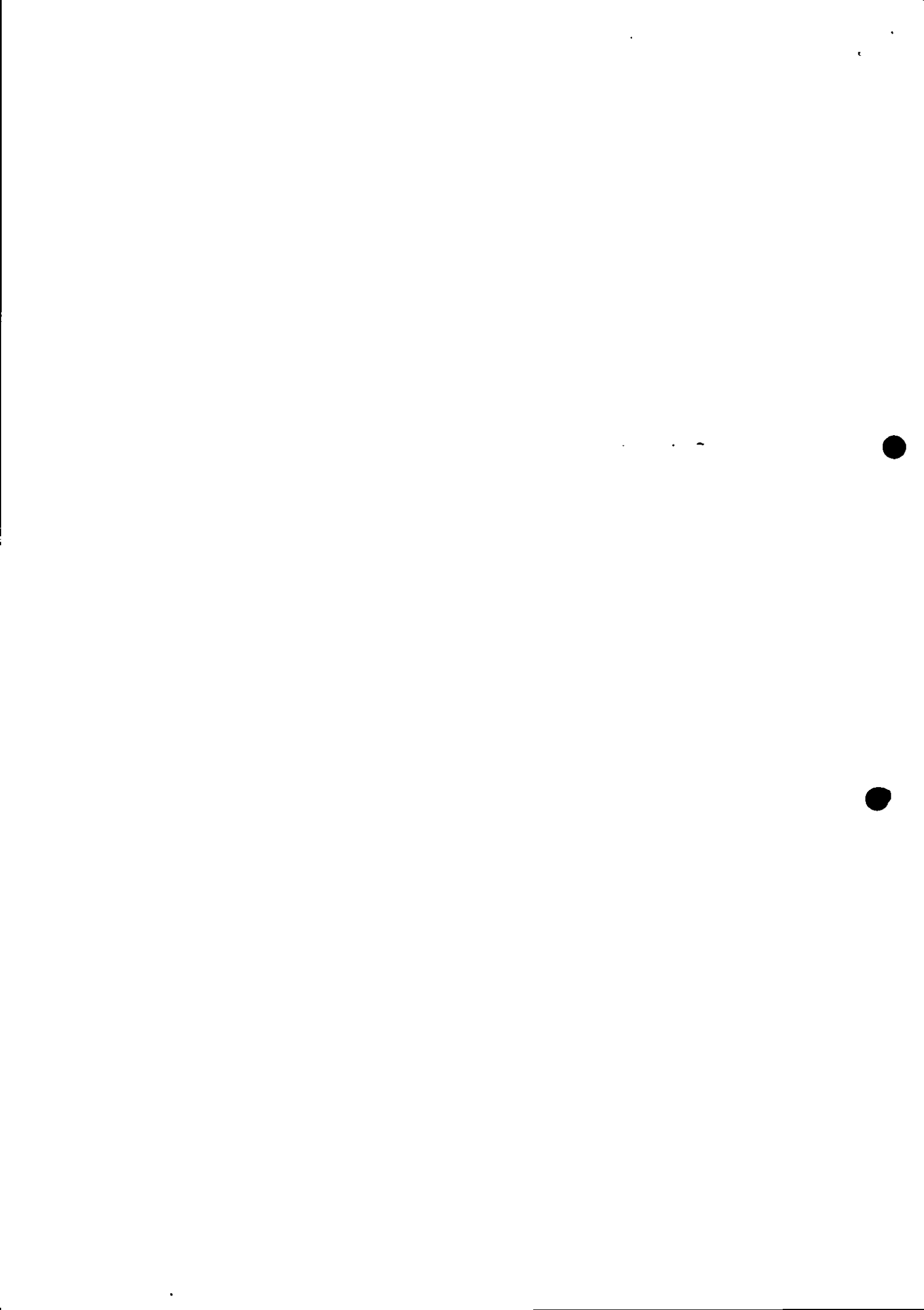
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I observe that CPIO has provided to the Appellant various information as available on record. As regards the information in question sought by the Appellant, I find that CPIO has rightfully claimed under section 8(1)(e) of RTI Act 2005 that the requested information held by SIDBI is in fiduciary capacity, as the assignment agreement between SIDBI and ISARC with reference to the underlying securities and guarantees of credit facilities extended by SIDBI to various borrowers and assigned to ISARC are given and taken in confidence and trust expecting confidentiality to be maintained. The requested information pertains to a financial deal between SIDBI and ISARC which are held in commercial confidence, therefore, it is also exempted under section 8(1)(d). It is observed that along with M/s Devashish Silk Mills Pvt. Ltd., there are other borrowers accounts which have been transferred to ISARC and this information is held by SIDBI in fiduciary capacity and no larger public interest warrants its disclosure. Therefore, the appeal made by the Appellant does not merit consideration.

In view of the above, I do not find any infirmity in the order of the CPIO.

Order:

The appeal is accordingly disposed of. Copy of this order be sent to the appellant and CPIO.


(एस.एन.सिंह / S.N.Singh)

मुख्य महाप्रबंधक तथा वैकल्पिक अपीलीय प्राधिकारी
Chief General Manager and Alternate Appellate Authority

