



By Registered AD

Ref. No.L000133359/RTI/A-10/2018

October 29, 2018

**APPEAL No.10/2018-19 BEFORE
FIRST APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005**

Background:

The Appellant, Dr. Jasdeepak Singh, Hno. 55, Sector 8-A, Chandigarh, PIN: 160009, Punjab, has preferred the present appeal dated October 04, 2018 under section 19(1) of RTI Act (received by office of First Appellate Authority (FAA) on October 08, 2018) against the Order No.2460 dated September 18, 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 October 04, 2018, as also the order No.2460 dated September 18, 2018 passed by CPIO in the matter. It is observed that vide his RTI application dated August 23, 2018, the appellant had sought various information regarding partners i.e. 1) Ananya Finance for Inclusive Growth, 2) Rajiv Gandhi Mahila Vikas Pariyojana and 3) Sahaj e-Village Limited under various other interventions under Poorest States Inclusive Growth Programme (PSIG). The details of information sought by the appellant regarding the above mentioned partners starting from the time of beginning of the existence to till date are i.e. a) certified copies of all file notings, b) communications with other ministries, c) All decisions taken in relation to the above mentioned partners, d) Funds allocated, e) Funds stopped, f) Orders from ministry of finance /PM office or any other source, g) Quantum of grant consumed and i) correspondence with partners.

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The Appellant has made this appeal on the following grounds i.e. i) I have not received the information I asked for though all the requisite fees was paid along with the application and the complete particulars of the desired information was also clearly stated in the application, ii) To provide immediately all the information as demanded by the appellant/applicant in the application under RTI Act without any further delay, iii) To direct the CPIO to provide all the demanded information totally free of cost because the CPIO failed to provide all the demanded information within statutory period iv) To impose penalty against the CPIO on each exceeding day beyond the statutory period of 30 days for provide the information and to recommend disciplinary action against CPIO.

I observe that information with respect to the query at Sl. no.(a), CPIO has rightly claimed the exemption under section 8(1)(d) and (e) of RTI since file noting is exempted for disclosure as per SIDBI's disclosure policy and pertains to commercial confidence and trade secrets, the disclosure of which would harm the competitive position of a third party. Further, the requested information is held by SIDBI in fiduciary capacity and large public interest does not warrant the disclosure of such information. The obligation of CPIO to furnish the information arises in case the information is available with the Public Authority and the same is not exempted from the disclosure under the provisions of RTI Act. 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. (b) i.e. communication with other ministries, CPIO has rightly claimed the exemption under section 8(1)(c) of RTI Act as the requested information is exempted for disclosure as per SIDBI's disclosure policy. 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. (c), (d) and (e), CPIO has rightly claimed the exemption under section 8(1)(d) and (e) of RTI Act as this information pertains to

commercial confidence and trade secrets, the disclosure of which would harm the competitive position of a third party. Further, the requested information is held by SIDBI in fiduciary capacity and larger public interest does not warrant the disclosure of such information. The obligation of CPIO to furnish the information arises in case the information is available with the Public Authority and the same is not exempted from the disclosure under the provisions of RTI Act. Further, this information is exempted for disclosure as per SIDBI's disclosure policy. The Appellant is free to refer the disclosure policy on SIDBI's website i.e. www.sidbi.in. Therefore, there is no merit found on the ground for appeal.

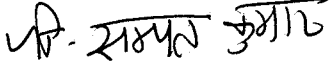
With respect to query no. (g), CPIO has rightly claimed the exemption under section 8(1)(d) since the requested information pertains to commercial confidence and trade secrets, the disclosure of which would harm the competitive position of a third party and larger public interest does not warrant the disclosure of such information. The ground for appeal by the Appellant is not maintainable.

With respect to query no. 3 (i), CPIO has rightly claimed the exemption under section 8(1)(e) of RTI Act since the requested information is held by SIDBI in fiduciary capacity and large public interest does not warrant the disclosure of such information. Therefore, the ground for appeal is not maintainable.

Order :

The appeal is accordingly disposed of.

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


(जी सम्पत कुमार / G. Sampath Kumar)
मुख्य महाप्रबंधक तथा प्रथम अपीलीय प्राधिकारी
Chief General Manager and
First Appellate Authority