

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(206)

**CWP-19826-2016 (O&M)
Decided on: June 01, 2017.**

M.P. Chatrath

.... Petitioner

Versus

Central Information Commissioner and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Alka Chatrath, Advocate, for the petitioner.

Mr. Kapil Kakkar, Advocate, for respondents No. 2 to 4.

M.M.S. BEDI, J (ORAL)

The petitioner, through instant writ petition, seeks quashing of order, passed by Central Information Commissioner, dated 18.03.2016 Annexure P-26 which was passed confirming the order passed by CPIO-cum-Assistant General Manager dated 24.08.2015 Annexure P-16 and the order passed by the First Appellate Authority dated 21.10.2015 Annexure P18.

Petitioner claims that it has been wrongly stated in the impugned order that the information sought vide letter dated 08.01.2015/27.01.2015 Annexure P-8 had been supplied which is factually incorrect as the copy of the documents dated 23.11.2011 Annexure P-10 does not contain the words to the effect that the track record of the firm “**Libra Techno Products, Chandigarh**”, in the past was not satisfactory as referred by the bank in proceedings of meeting dated 18.02.2014 Annexure P-3 while rejecting the technical bid of the petitioner's aforesaid firm.

Learned counsel for the petitioner has submitted that the petitioner had applied for empanelment of vendors with State Bank of India

but the technical bid received from the petitioner and other vendors, was declined on the basis of certain deficiencies.

So far as the petitioner is concerned, he runs his business under the name “Libra Techno Products Chandigarh”. While rejecting the technical bid, it was observed that the track record of vendor (petitioner) in the past was not satisfactory (Circular Letter/Cir Do/BPR/SP/17/2011-12 dated 23.11.2011 (Flag-D)).

When questioned as to what is the purpose for the information sought, learned counsel for the petitioner has submitted that the petitioner's firm has got absolutely a good track record and the petitioner wants to challenge the letter by virtue of which the track record had been held to be not satisfactory.

It is claimed that there is absolutely no letter dated 23.11.2011 containing the words that the track record of the petitioner's firm was not satisfactory.

Pursuant to the application filed by the petitioner, copy of which has been placed on record as Annexure P-8 submitted to the CPIO-cum-Designated Officer, State Bank of India, supply of copy of the above said letter was prayed for. The document which was supplied to the petitioner dated 23.11.2011 is Annexure P-10.

Learned counsel for respondents No.2 to 4 submits that letter Annexure P-10 is the only letter which is referred to in Annexure P-3 making observations regarding the unsuitability of the petitioner's firm for the empanelment of vendors.

Learned counsel for the petitioner has vehemently urged that letter Annexure P-10 is not actually the letter on the basis of which the track record of the petitioner has been commented to be not satisfactory.

With the assistance of learned counsel for the petitioner as well as learned counsel for respondents No. 2 to 4, I have gone through letter Annexure P-10 dated 23.11.2011. This letter has been issued by BPR Implementation Team, State Bank of India, Local Head Office, Chandigarh and circulated to all the branches and offices at Chandigarh.

So far as the petitioner is concerned, a reference has been made in para 6 which reads as follows:

“ We have come across certain instances of purchase of UV Lamps from unapproved vendors including M/s Libra Techno Products: Prop. Mr. M.P. Chatrath, which is highly irregular and should be stopped forthwith”.

The said observation by the Team of State Bank of India, appears to be the basis for issuance of the letter Annexure P-3 wherein it has been recorded that the track record of the vendor in the past was not satisfactory while issuing circular letter dated 23.11.2011.

After perusal of the document and interpreting the letter and spirit of the document Annexure P-10, I am of the considered opinion that para 6 of the letter dated 23.11.2011 is the basis of formation of opinion that the track record of the petitioner in the past was not satisfactory. No doubt, it is not mentioned in the circular dated 23.11.2011 but Annexure P-3 contains the information in its paragraph 6. As such, I am of the opinion that the document which is sought for by the petitioner under the provisions of RTI stands already supplied to the petitioner.

It is not out of place to mention here that the petitioner has challenged his black listing which has been considered by the Division Bench of this Court on 05.05.2016 and the rights of the petitioner have been safeguarded.

In view of said circumstances, there is no ground to interfere in the exercise of writ jurisdiction in the present writ petition.

The petition is dismissed.

It will be open to the petitioner to challenge the validity of order Annexure P-3 or letter Annexure P-10 in accordance with law, if the petitioner is aggrieved by any observation made therein.

(M.M.S. BEDI)
JUDGE

June 01, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No