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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6211/2017 & CM No. 25806/2017

ORIENTAL BANK OF COMMERCE

..... Petitioner

Through: Mr B. B. Sawhney, Sr. Advocate with
Mr Vipin Jai and Mr Aditya
Shandilya, Advocates.

versus

HARINDER DHINGRA

..... Respondent

Through: Counsel for the respondent
(appearance not given).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.12.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 01.06.2017 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC'), whereby the CIC has directed the CPIO of the petitioner authority to disclose to the respondent "*the names and designations of the members of the said Committee at the time of approval of the loan.*"
2. Mr Sawhney, the learned senior counsel appearing for the petitioner earnestly contended that the loan in question pertained to financial assistance granted to the Kingfisher Airlines Ltd. and the disclosure of names of the persons who were involved in granting the said loan would result in their vilification in the media, which should be avoided.
3. Mr Sawhney also referred to the provisions of Section 8(1)(g) of the

Right to Information Act, 2005 (hereafter 'the Act'), which reads as under:-

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

4. He submitted that the word 'life' used in the above provision would not only mean physical life but also the right to live with certain amount of dignity and safeguarding a person's reputation is an essential facet of 'life'. He submitted that the disclosure of the names of the persons involved in granting loan to Kingfisher Airlines would result in their vilification in the media and has the propensity to cause immense distress to the said persons. Thus, according to the learned counsel, disclosure of information as directed amounts to disclosure of information that would adversely affect life of the persons concerned.

5. The respondent who appears in person, countered the aforesaid submissions. He submitted that Section 8(1)(g) of the Act would have no application in the facts of the present case. He further contended that notwithstanding that the information sought is exempt from disclosure under any of the clauses of Section 8(1) of the Act, certain information - disclosure of which is in larger public interest - is required to be disclosed by virtue of Section 8(2) of the Act. He submits that the present information would clearly fall within the scope of Section 8(2) of the Act and, therefore, ought to be disclosed.

6. It is seen that the respondent had filed an application under the Right to Information Act, 2005, seeking the following information:-

"1) Kindly provide the total outstanding of M/s Kingfisher

Airlines towards your bank as on date.

- 2) Kindly provide the total loan granted to M/s Kingfisher Airlines and also provide the complete details of security/collateral held by your bank as guarantee for the above mentioned loan.
- 3) Kindly provide the copy of third party audit conducted by your bank to verify the value of the collateral of M/s Kingfisher Airlines.
- 4) Kindly provide the copy of the file notings in which the said loan was processed to M/s Kingfisher Airlines.
- 5) Kindly provide the names of officials who were involved in granting of the above mentioned loan.
- 6) Kindly provide the copy of entire action taken report to realize the total loan back from M/s Kingfisher Airlines.
- 7) Kindly provide the copies of inspection report showing irregularities frauds and financial loss in the loan granted to M/s Kingfisher Airlines.”

7. In the present case, the petitioner has restricted its relief only to the disclosure of the names of officials as sought at serial no.5 above.

8. It is further seen that the said information was denied to the respondent on the ground that it was exempted under Section 8(1)(h) of the Act as it was stated that certain investigations are pending. This is also the principal argument urged before the CIC and the contention that such information was also exempted under Section 8(1)(g) of the Act was not advanced.

9. Notwithstanding the above, this Court is of the view that the issue raised by the petitioner requires examination and it would only be apposite for the same to be examined by the CIC in the first instance.

10. Accordingly, the impugned order to the extent it directs disclosure of

the names of the officials who are involved in granting the loan to the Kingfisher Airlines Ltd., is set aside and the matter is remanded to the CIC to consider afresh. It is clarified that all other information as sought for by the respondent and as directed by the CIC shall be provided to the respondent, if not already provided, as the petitioner has not contested the respondent's right to receive such information. The only question to be examined by the CIC would be with regard to the disclosure of names of the officials as sought by the respondent at serial no.5 of his application under the Act.

11. It is further clarified that this Court had not expressed any opinion as to the merits of the contentions advanced by the petitioner and all rights and contentions of the parties in this regard are left open.

12. The petition and the pending application are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

DECEMBER 18, 2017
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