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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18667-2020
Date of Decision:06.04.2021

Kulbhushan Jain ...Petitioner

Versus

Union of India and others ....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Dr. Deepak Jindal, Advocate, for the petitioner.

ARUN MONGA, J. (ORAL)

Petitioner herein *inter alia* challenged an order dated 11.1.2012 followed by order dated 26.4.2013 whereby respondent No.3-Central Information Commission declined to supply the information sought under the Right to Information Act, 2005 by the petitioner vide his application/letter dated 15.11.2011 (Annexure P-3).

2. Following information under the RTI was sought by the petitioner:

> 1. *Please send me the each and every single paper relating to this loan; like-*
>   - *i) Request Letter from our side for grant of loan from your bank.*
>   - *ii) Proposal and/or Report, prepared by any of the officer of the bank in furtherance of grant of loan alongwith the name the officer.*
>   - *iii) Sanction Letter passed by the bank alongwith the name of the officer.*
>   - *iv) Legal Opinion, if any, obtained by the bank alongwith by the bank with regard to this loan.*
>   - *v) **Most Important** – copy of each and every other single paper/document, if any, signed by us (apart from "**FACILITY AGREEMENT")** or submitted by any one of us including blank cheques, if any, etc. etc.*

vi) Interest Letter or "Interest Reset Letter".

vii) Copies of each and every piece of communication/letter addressed by any of the bank officers to any of the borrowers from the beginning up till today relating to this subject Loan A/C.

2. Please provide me the site plan of the building, if any, mortgaged with your bank against this loan.

3. Please send me a complete statement of this Loan A/C right from the beginning up to date.

4. Please let me know as to why all these Loan Papers/Documents have not been sent to us up till today. If it has been done under the instructions of any of the officers of the bank, then please send me a copy of those instructions.

5. Please tell me the name of the officer/employee who has given the charge and responsibility of sending the Loan Papers to the loanees. What action was taken by the bank against that officer for not sending these Loan Papers to us-please send me the details of disciplinary action, if any, taken by the bank in this regard against that Officer/employee.

6. Please tell me the total number of Loan Cases which are under your supervision at present. Please, also tell me the complete details of the cases-

(i) where the loanee defaulted in making the payment of any EMI of his loan; and

(ii) the bank issued "DEMAND LEGAL NOTICE" through its counsel for such default.

7. Please let me know the relevant clause of your Agreement of Loan where the bank is authorised to call upon the loanee through Telephonic Talks either through its various offices or through Call Centers, appointed by it and to put pressure upon the loanee in this regard.

8. A Saving Bank A/C NO.01680150589 is already in existence with your Rohtak Branch. This A/C is in the joint names of Vikas Jain and Naini Jain and it is this A/C which is being used by your bank for the purpose of getting the payment of its EMIs by what you call an "Auto Debit System". A cheque No.435645 was issued from this A/C for a sum of Rs.5,00,000/- (Rupees Five Lac Only) on 19.02.210 for credit to the PRINCIPAL AMOUNT on this Loan but it was never done and now it has been stated by your bank that that cheque was not passd by the Rohtak Branch because of "Difference in

Signatures" of the A/C Holder on it. This cheque has, however, never been returned back to us. I am now, therefore, approaching your good self to please send me copies of-

(i) this above stated cheque no.435645; and also

(ii) the copies all other cheques issued by the drawer from the same cheque book and passed by your Rohtak Branch."

3. This Court was since not inclined to interfere in the matter on the ground of delay and latches and on an earlier occasion following order dated 5.11.2020 was passed: -

> *"Prima facie, the case of the petitioner seems to be hopelessly time barred. Concededly, his application under Right to Information Act seeking information was rejected vide order dated 11.01.2012 (Annexure P-5) stating that Standard Chartered Bank is not a public authority under RTI Act, being a private Bank. Petitioner preferred a review of the said order which too was rejected on 26.04.2013 (Annexure P-9). Thereafter he seems to have acquiesced to the fate for 7 long years.*
>
> *Confronted with the situation, learned counsel for the petitioner seeks time to show that the petitioner has been throughout pursuing his legal remedy until he finally received information on 15.10.2020 (Annexure P-11) pursuant to a letter dated 14.09.2020.*
>
> *At his request, adjourned to 12.01.2021."*

4. When the matter is taken up for hearing today, no worthwhile explanation has come forth with regard to the delay, other than the assertion that the petitioner is a senior citizen being 75 years old and has been throughout pursuing with the respondent/bank for providing the aforesaid information. He was sanguine that the same would be provided in due course.

5. In the premise, no grounds to interfere in the extraordinary jurisdiction of this Court are made out in the present proceedings.

6. While parting, on query of the Court, learned counsel for the petitioner submits that information sought is needed in a pending litigation

before the DRT, Chandigarh going on between the respondent/bank and the petitioner qua a payment of an outstanding loan.

7. Writ petition is disposed of with liberty to the petitioner to take steps before the DRT or even otherwise, to seek the requisite information.

(ARUN MONGA)
JUDGE

06.04.2021

Vivek

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