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

Date of decision:-5th April, 2023.

\+ **W.P.(C) 4162/2023 & CM APPLs. 16131/2023, 16132/2023**

KARNATAKA BANK LIMITED ..... Petitioner

Through: Mr. Rama Subha Raju, Mr. Anoop Prakash Awasthi, Mr. Saurabh Kaushik, Ms. Parthvi Ahuja & Ms. Prapti Singh, Advocates. (M: 8447538769)

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. Ravi Prakash CGSC with Mr. Farman Ali Advocate, Mr Yas Agarwal Advocate for R-1.
Mr Ramesh Babu MR and Mr. Manisha Singh, Ms Nisha Sharma, Advs. for R-2 & 3. (M: 9910507896)

CORAM:
JUSTICE PRATHIBA M. SINGH

<u>Prathiba M. Singh, J.</u> (Oral)

1. This hearing has been done through hybrid mode.

<u>CM APPL.16132/2023 (for exemption)</u>

2. Allowed, subject to all just exceptions. Application is disposed of.

<u>W.P.(C) 4162/2023 & CM APPL.16131/2023</u>

3. A RTI application was filed on 24th November, 2019 by the RTI Applicant seeking the following information.

> *"1. Report of the Annual Financial Inspection of the head office of Karnataka Bank Ltd. with reference to the financial position as on 31.03.2014 and 31.03.2015.*
> *2. Report of the Risk based supervision of the head*

office of Karnataka Bank Ltd. with reference to the financial position as on 31.03.2014 and 31.03,2015.
3. Copies of the scrutiny notes dated 23.12.2014 and 18.09.2015 of Karnataka Bank Ltd."

4. The said RTI application was considered and an order dated 26th February, 2020 was passed by the First Appellate Authority. The Petitioner - Karnataka Bank Ltd. preferred an appeal before the CIC against the said order. However, the same was not heard by the CIC. In view of the same, writ petition being ***W.P.(C) 4003/2020*** titled ***Karnataka Bank Limited v. Union of India & Ors.*** was filed before this Court. In the said petition vide order dated 14th July, 2020, the ld. Single Judge of this Court directed as under:

"2. The present petition has been filed by the petitioner feeling aggrieved of the order dated 26.02.2020 passed by the First Appellate Authority under the Right to Information Act,2005 ("RTI Act) as also the letter dated 11.03.2020 issued by the RBI/respondent no. 4 informing the petitioner that in absence of an order staying the operation of the order dated 26.02.2020, the information sought for by the applicant under the RTI Act shall be disclosed.
3. The learned counsel for the petitioner submits that the petitioner has filed an appeal with the respondent no.2, however, the same has not been listed for hearing on the interim prayer. This has been confirmed by the learned counsel for the respondent no.2, who submits that the said appeal has been duly registered.
4. In view of the above, respondent no.2 is directed to consider the appeal or in the alternative the application seeking interim stay filed by the petitioner, within a period of eight weeks from

> *today. In the meantime, the interim order passed by this Court on 08.07.2020 shall continue.*
> *5. The present petition and pending application are disposed of with the above directions."*

5. As per the above order, the CIC was to decide the second appeal filed by the Petitioner within a period of 8 weeks. Pursuant to the order dated 14th July, 2020 passed by this Court, the CIC passed orders dated 5th May, 2022 and 24th June, 2022. The present round of litigation arises out of the second round before the CIC.

6. Vide the said order dated 5th May, 2022 passed by the CIC, a specific direction was given *qua* the Petitioner and general directions were also issued by the CIC *qua* various other Banks. The operative portion of the said order, relied upon by ld. Counsel for the Petitioner, is set out herein below:

> *"42. It is amply clear that Writ Petition Nos. 1159/2019 and 76812021 and others tagged are admitted in Hon'ble Supreme Court wherein guidance and direction has been sought on non-disclosure of certain type oi infonnation which are essentially the part of the Annual Inspection Report/RAR, etc. These petitions also seek protection of interim communication between regulator and the regulated entity in the process of finalization of these reports or otherwise. It is obvious that decision in these Writ Petitions will provide clarity and guidance to the Public Authority on redaction/non-disclosure of a set of information inspite of being part of these reports which are open to disclosure. At this stage, any decision by the Public Authority will amount to pre-judging the issues pending admitted W'rit Petitions before the Hon'ble Supreme Court. Various banks, financial institutions, respondent public authority aud the RTI applicant have already impleaded*

party and are presenting their arguments before the Apex Court.

43. Hence, any decision of redaction or disclosure of information, without waiting for decision in the Writ Petition Nos. 1159/2019 and 768/2021 and others tagged may cause irrevocable damage against right of privacy and protection of commercial interest. Hence, the respondent public authority if expedient may wait for the outcome in Writ Petition Nos. 1159/2019 and 76812021 and others tagged or seek clarification from the Hon'ble Court and accordingly decide these RTI applications by following process as enumerated in the earlier paras by the Commission in the interest of principles of natural justice. While disclosing the information they should be cautious in taking a considerate view balancing right to privacy, protection of national and commercial interest on one hand vis-a-vis larger public interest."

7. As per the above order passed by the CIC, the RBI was given the option to await the outcome of the ***W.P.(C) 1159/2019*** and ***W.P.(C) 768/2021*** and other tagged petitions admitted before the Hon'ble Supreme Court or to seek a clarification from the Hon'ble Supreme Court and thereafter, decide these applications.

8. The grievance of the Petitioner is that the CPIO, RBI without waiting or complying with the direction passed by the CIC, passed the impugned order dated 16th November, 2022. As per the said order, the CPIO, RBI directed the disclosure of the information. The said impugned letter dated 16th November, 2022 was assailed by the Petitioner before the First Appellate Authority, which affirmed the same vide its order dated 27th January, 2023.

9. A second appeal has been preferred by the Petitioner within 30 days

of the same, assailing the impugned letter dated 16th November, 2022 and the order dated 27th January, 2023 passed by the First Appellate Authority. The said appeal is now pending before the CIC. However, in the meantime, the CPIO, RBI issued a letter dated 2nd February, 2023 directing the Petitioner to disclose the information in terms of the order dated 27th January, 2023, within 30 days. Moreover, the stay application filed by the Petitioner is not being listed for hearing before the CIC. Ld. counsel for the Petitioner, thus, seeks either an early hearing of the second appeal itself or early consideration of the stay application before the CIC.

10. Considering the past history and the nature of the information which has been sought by the RTI Applicant, this Court is of the opinion that the CIC ought to take up the second appeal for hearing or in the alternative at least take up the stay application and consider the same in accordance with law.

11. The contentions of the Petitioner to be canvassed before the CIC are left open.

12. Let the stay application be listed before the CIC within a period of 30 days. Until the said application is listed, the letter dated 2nd February, 2023 issued by the CPIO, RBI shall not be given effect to.

13. Needless to add, this Court has not examined the merits of the matter. All contentions of the parties are left open.

14. The petition, along with all pending applications, is disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

APRIL 5, 2023/*dk/kt*