IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2053 OF 2024

Pathan Parvez Khan Sultan Khan	…	Petitioner
versus		
The State of Maharashtra through the Secretary Co-operation Dept. and ors.	….	Respondents

Dr. Uday Warunjikar along with Mr. Jenish Jain i/b. Mr. Aditya Kharkar, Advocate for the Petitioner.
Ms. Snehal Jadhav, AGP for Respondent/State.

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2024.

P.C. :

1. Heard.

2. Learned counsel for the petitioner raised objection to the impugned order dated 28th June 2023 passed by Additional Registrar, Co-operative Societies, Chandwad, District Nashik, whereby the request made by the petitioner for providing the list of the members of the bank along with KYC information was rejected.

2. Learned counsel for the petitioner has drawn attention of this Court to the application dated 23rd October 2021 which according to him only speaks about the list of members in respect of whom KYC is done. It is his submission that it was open for the authorities at least to consider the prayer to the extent of providing the list of members without KYC

information which has not be done in this case. He drew attention of this Court to the documents filed by along with the petition to contend that the petitioner has raised issue of illegal disbursement of the loans to the members who are not residing within territorial area of respondent No.5-Bank. Attention of this Court is also drawn to Writ Petition No.5116 by petitioner of 2022 filed before this Court and order passed by Division Bench of this Court dated 20th April 2023.

3. Even if it is accepted that the intention of the petitioner is noble for seeking information from the bank, a question arises as to whether it is permissible in law to provide KYC information of the members to any third party. Though it is sought to be argued that in case of an application under the Right to Information Act 2005, it would be open for such members to resist this request, and hence, the same cannot rejected outrightly, but it is pertinent to note that KYC information sought of customers, relates also with the prevention of banks from being used by criminal elements for money laundering activities etc. In such circumstances, it is not necessary for the banks to call for consent from third party, whose information is to be shared. More particularly in the present case, where an individual seeks such information.

4. Perusal of the application (page 57) clearly shows that the request of the petitioner was not only for list of the members but list along with KYC information. In considered view of this Court, such information cannot be divulged to individuals, which has potential misuse

of data. This Court, therefore, does not find any reason to cause interference in the impugned order. Resultantly, petition stands dismissed.

(R. M. JOSHI, J.)