2024:PHHC:163009

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

CWP-32354-2024 (O&M)
Date of decision :02.12.2024

Vaibhav Mangla ...Petitioner(s)

Versus

Central Information Commission and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia,* for setting aside the impugned orders dated 25.07.2023 (P-3) and 19.09.2024 (P-5), passed by respondent No.2 & No.1, respectively, whereby first as well as second appeals filed by the petitioner under the Right to Information Act, 2005 *(for short, the 'RTI Act'),* were dismissed. Further prayer is for issuance of a *Mandamus* directing respondent No.3 to provide the information, as sought by the petitioner vide application dated 08.05.2023 (P-1), under the RTI Act.

2. Briefly stated, petitioner is one of the Directors of M/s Sysmed Exim Pvt. Ltd, Chandigarh *(for short, 'the Company')* and which had obtained credit facilities from respondent No.4-Bank. Since petitioner had strong apprehension that there was misappropriation of

funds in the Bank account of the Company at the behest of some officials of respondent No.4-Bank; therefore, he sought information under the RTI Act vide application dated 08.05.2023. Pursuant to the said application, reply was given on 02.06.2023 by the Central Public Information Officer *(for short, 'the CPIO')*. Feeling aggrieved, petitioner preferred First Appeal; but the same was dismissed vide impugned order dated 25.07.2023. Lastly, petitioner filed Second Appeal before the Central Information Commission, New Delhi (*for short, 'the CIC')*, which was also dismissed vide impugned order dated 19.09.2024. Hence, the present petition.

3. Contends that the desired information was denied by the CPIO on the ground that authority letter duly issued by the concerned Company Board had not been appended with the RTI application and said order was wrongly upheld by the First as well as Second Appellate Authorities. Further contends that Section 6 of the RTI Act does not mandate annexing of any Authority Letter along with the RTI application. Again contends that information sought by the petitioner has been wrongly refused by misinterpreting the provisions of Section 8 of the RTI Act. Lastly contends that the desired information pertains to general queries regarding functioning of respondent No.4-Bank, which can be sought by any person.

4. Heard learned counsel for the petitioner and perused the paper-book.

5. It transpires that petitioner submitted an application dated 08.05.2023 seeking information under the RTI Act before respondent No.3 in the following manner:-

"Myself is the director of Sysmed Exim (P) Ltd. Which company had taken certain credit facilities from Union Bank of India from its industrial area branch. We need following information under RTI Act which is as under:

1. Please supply the copies of letters and remainders sent by the bank to sysmed Exim (P) Ltd. regarding asking for the closure of working capital demand loan of Rs. 25.00 cr. (A mentioned in the reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023.)

2. Please supply the copies of letters and remainders sent by the bank to sysmed Exim (P) Ltd. regarding asking for the repayment of Adhoc limit of Rs. 3.00 Crore. (A mentioned in the reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023.)

3. Please supply the copy of sanction letter of Adhoc limit of Rs. 3.00 crore specifically mentioning the actual date of its repayment.

4. Please supply the copy of statement of account of Sysmed Exim (P) Ltd for five days from the actual date of the repayment of Adhoc limit of Rs. 3.00 Cr. Onwards.

5. Please supply the copies of letters and remainders sent by the bank to sysmed Exim (P) Ltd. regarding asking for the submission of renewal documents of CC limit of Rs. 14.00 cr. (As mentioned in the reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023)

6. Please supply all the papers submitted by Sysmed Exim (P) Ltd. in connection with the renewal of its CC Limit.

7. Please supply the copies of all papers/documents i.e. complete file regarding the renewal/enhancement of CC limit.

8. Please supply the copies of all the nothings, findings, observations, objections and decisions taken by the bank in respect of the renewal/enhancement of CC limit of our company.

9. Please provide the names of all officials and officers who had dealt with the file of our company in connection with the renewal/enhancement of CC limit.

10. Please supply the copy of E mail sent by HDFC bank on 30.03.2023.

11. Please supply the copy of reply sent by UBI to HDFC in connection with the said mail.

12. Please supply the copy of information/letter/mail and sms which may have been sent by UBI to the company regarding the information of RTGS of Rs. 16,91,83,028/- done by the bank.

13. Please provide the information weather any further mail received from HDFC after 30.03.2023 in the same connection and also provide the basis of acceptance of Rs. 16,91,83.028/- after 31.03.2023 if no mail is received from HDFC. (when the said amount was returned by the bank on the basis of the mail received from HDFC dated 30.03.2023 as per reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023)

14. Please provide the information whether the mail sent by HDFC on 30.04.2023 is binding upon UBI? As took the decisions to return its own funds received in Adhoc limit (Which was over due as per reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023) and CC limit. (Which was not renewed and over due as per reply notice sent by UBI through Mr. Gaurav Goel advocate on 20.04.2023). considering the more weightage of the letter of HDFC ignoring to recover its own funds.

15. Please provide the information whether UBI has accepted the amount sent by HDFC and closed the adhoc limit and regular CC limit without closing the housing loan of Chander Shekher Jolly, Veena Jolly and Ankur Mangla without any further letter from HDFC after 30.03.2023.

16. Please provide the information whether housing loan is still outstanding even after the closure of limit accounts and provide the outstanding balance as on date.

17. Please supply the copy of letter/mail sent by UBI to Chander Shekher Jolly, Veena Jolly and Ankur Mangla for deposit of outstanding of home loan after receipt of email from HDFC.

18. Please provide the name of the bank official on whose instructions the amount of Rs. 16,91,83,028/- was returned on 31.03.2023 and who had done this transaction.

19. Please provide the noting regarding mentioning the reason "wrongly Credited" and basis of the same.

20. Please provide the noting regarding taking of the decision to return the amount on the basis of the email sent by HDFC and provide the name of the bank official who had made this nothing.

21. Please Provide the information what was the procedure for the closure of Adhoc limit of Rs. 3.00 cr. Whether the amount was to be deposited in regular CC limit account? Whether our company had ever deposited the amount of Adhoc limit in its CC account after the expiry period of one month of sanction of Adhoc limit? Had UBI taken any action to close the adhoc limit when the company had deposited *the funds? Or allowed the company to continue to avail the adhoc limit?*

22. Please provide the information why UBI had not adjusted the adhoc limit on 31.03.2023 while sending back Rs. 16,91,83,028/- particularly when as per bank the borrower had not deposited the adhoc limit and it was overdue?

One Cheque No. 031356 of Rs. 100/- dated 08.05.2023 in favour of public relation officer UBI and another cheque no. 031356 of Rs. 100/- dated 08.05.2023 in favour of Union Bank of India are attached.

Any extra charges for providing the information may be intimated and the same shall be paid."

6. It is discernible that the desired information was not provided by the CPIO on the ground that along with the RTI application, petitioner did not annex the authority letter duly issued by the concerned Company Board in his favour to receive the information. For reference, relevant part of reply dated 17.07.2023 of the CPIO is reproduced as under:-

> *"This is in reference to your application under Right to Information Act, 2005 (RTIA). We would like to inform that you are seeking information in the capacity of director of company M/s Sysmed Exim (P) Ltd. You are requested to please provide authority letter duly issued by the concerned company board and authorizing you to receive the information. In the absence of the same we are unable to provide you any information under Right to Information Act and sought exemption under Section 8(1)(e) and (j) of the RTI Act 2005."*

7. There is no quarrel that the information sought by petitioner relates to the financial transactions of the Company, but the same was denied because he had failed to furnish an authority letter duly issued by the Company Board in his favour to received the information. Moreover, petitioner has failed to establish himself as an authorized person on

behalf of the Company for seeking such information and in the absence thereof, his prayer was rightly rejected.

8. Law is well-settled that the CPIO is not obligated to disclose any information that would be "personal" or which would cause unwarranted invasion of the privacy of the individual and for reference, relevant provisions of Section 8(e) & 8(j) of the RTI Act are extracted hereinunder:-

> *"8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—*
>
> *xxx xxx xxx*
>
> *(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;*
>
> *xxx xxx xxx*
>
> *(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*
>
> *Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."*

9. A bare perusal of the above extract clearly reveals that in the absence of any valid authority letter issued by the Company Board in favour of the petitioner, providing information to him, would amount to unwarranted invasion of privacy; especially when there is no larger public interest involved.

10. Still further, a bare glance of the RTI application moved by the petitioner reveals that the same is vague and lacks specificity

inasmuch as even the account details of the Company, including account number regarding which the information was sought, had not been explicitly mentioned.

11. In view of the above, present petition is bereft of any merit and as such, there is no option, except to dismiss the same.

12. Ordered accordingly.

Pending application(s), if any, shall also stand disposed off.

02.12.2024 **(MAHABIR SINGH SINDHU)**
atulsethi **JUDGE**

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No