



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

CWP-32402-2024 (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 07.06.2023 (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 07.06.2023. Pursuant to the said application, reply was given on 17.07.2023 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 07.06.2023 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 copy of voucher/cheque/authority letter or any negotiable instrument which may have been signed and submitted by Sysmed Exim (P) Ltd. for the transfer of Rs. 16,91,83,028/- on 31.03.2023.

2. Please supply the copy voucher/instrument through which the amount of Rs. 16,91,83,028/- was transferred by the bank on 31.03.2023 alongwith the login id details of the concerned bank official.

3. Please supply the copy of letter/mail or intimation which may have been sent by HDFC bank regarding "wrongly credited: entry which has been mentioned by you while transferring the amount of Rs. 16,91,83,028/- on 31.03.2024 else supply the copy of your information/document regarding entry "wrongly credited" as mentioned by you.

4. Please supply the copy of statement of account of Sysmed Exim (P) Ltd. dated 31.03.2023 showing the debit entry of Rs. 16,91,83,028/- alongwith the timings of the transfer.

5. Please supply the copy of circular/instructions regarding opening and closing timings for doing the financial transactions in the accounts of the borrowers of bank branches.

6. Please supply the copy of circular/letter/email restricting the transfer of amount above Rs. 10 Crores as on 31.03.2023 from any account without the permission of higher authorities or Treasury

7. Please supply the copy of email/letter/message sent by Industrial Area Branch to the higher authorities or Treasury for getting permission to transfer the amount above Rs. 10 Crores or 31.03.2023 from the account of Sysmed Exim Pvt. Ltd.

8. Please supply the copy of email/letter/message received by Industrial Area Branch from the higher authorities or Treasury giving permission to transfer above Rs. 10 Crores on 31.03.2023 from the account of Sysmed Exim Pvt. Ltd. (If the sanction/permission is given verbally or on phone then the name of the official to be mentioned).

9. Please supply the copy of email/letter regarding promotion of Mr. H K Dass DGM now promoted as GM.

- 10. Please supply the copy of total advances of Industrial Area Branch as on 31.03.2023 including the advance of Sysmed Exim PVT. Ltd. NPA accounts may not be included.*
- 11. Please supply the copy of status of Renewal/enhancement or rejection of the limit account of Sysmed Exim Pvt. Ltd. as on 31.03.2023.*
- 12. Please supply the copy of intimation letter if any sent to Sysmed Exim Pvt. Ltd. regarding decision of its credit facilities as on 31.03.2023.*
- 13. Please supply the copies to Whats app messages sent to Branch Manager, AGM, DGM and FGM by CS Jolly Director of Sysmed Exim Pvt. Ltd. on 31.03.2023 and their replies.*
- 14. Please supply the copy of request letter submitted by Sysmed Exim Pvt. Ltd. for the extension of repayment period of WCDL credit facilities to the bank.*
- 15. Please supply the copy of rate of interest charged by the bank to all the credit facilities obtained by Sysmed Exim pvt. Ltd. from 01.04.2022 to 31.03.2023 date wise and if any penal interest charged.*
- 16. Please supply the copy of instructions/circular regarding the bank charges for issuing bank guarantees by the bank alongwith the instructions for refund of charges if the bank guarantee is cancelled or original is returned before its expiry. (Charges for refund regarding balance/unexpired period).*
- 17. Please supply the copy of sanction of limit allowed to be availed by the Sysmed Exim P Ltd. from 30.03.2023 onwards whether it was 14 Cr. or 17 Cr.*
- 18. Please supply the information regarding the effect on the CIBIL score of the borrower if the amount in its account is overdue from the sanctioned limit as on the close of financial year.*
- 19. Copy of letter sent by Punjab and Sind Bank to Union Bank of India at the time of takeover of Bank Guarantees of Sysmed Exim Pvt. Ltd. from PSB to UBI alongwith the releasing of securities including cash margin.*
- 20. Please supply the copy of any circular/instructions issued by the bank authorising the bank officials to debit the account of the borrower without its instructions and transfer any amount to any third One Cheque no. 031344 of Rs. 100/- dated 19.04.2023 in favour of Public Relation Officer UBI and another cheque no. 031345 of Rs. 100/- dated 19.04.2023 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 receive 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
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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