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

\+ W.P.(C) 1394/2025, CM APPL. 6765/2025, CM APPL. 6764/2025

UNION OF INDIA
THROUGH SECRETARY & ANR. .....Petitioner

Through: Mr. Himanshu Pathak, SPC alongwith Mr. Gurjas Narual, Advocate.

versus

R K SINGHAL .....Respondent

Through: Advocate (appearance not given).

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **04.02.2025**

1. The present petition assails an order dated 20.02.2024 (hereinafter 'impugned order') of the Central Information Commission, New Delhi passed in a Second Appeal bearing No. CIC/DOFSR/ A/2022/629084 titled *"R.K. Singhal v. CPIO"* preferred by the respondent/original applicant.

2. The present petition is filed in context of a Right to Information (RTI) application dated 08.03.2022 filed by the respondent, seeking the following information from the Central Public Information Officer(CPIO), Department of Financial Services (petitioner no.2):

> *"(i) Copy of trust deed of Stressed Assets Stabilization Fund (SASF).*
>
> *(ii) Copy of note sheet relating to approval of formation of Stressed Assets Stabilization Fund (SASF).*
> *(iii) Copy of official note placed for approval regarding formation of Stressed Assets Stabilization Fund (SASF)."*

3. The aforesaid application came to be rejected by the petitioner no.2 on 31.03.2022 on the ground that the information sought therein was exempted from disclosure under Section 8(1)(d), 8(1)(e) and 8(1)(f) of the Right to Information Act, 2005 (hereinafter 'RTI Act').

4. Dissatisfied with the response received from the petitioner no.2, the respondent preferred a first appeal on 04.04.2022. While the first appellate authority did not interfere with the order passed by the petitioner no.2, it was opined that the exemption from disclosure of the information sought by the respondent flows from Section 8(1)(d), Section 8(1)(e) and 8(1)(j) of the RTI Act and not Section 8(1)(d), 8(1)(e) and 8(1)(f) of the RTI Act.

5. In this background, the second appeal was filed before the CIC. In the impugned order, it was held as under:-

> "*7. The Commission after adverting to the facts and circumstances of the case, and perusal of the records, observes that while the FAA aptly pointed out the erroneous mention of Section 8(1)(f) of the RTI Act in the CPIO's reply, however, the endorsement of the exemptions of Section 8(1)(d) and 8(1)(e) and the introduction of Section 8(1)(j) by the FAA was neither justified nor warranted. The reasons tendered by the CPIO during the hearing for invoking the exemptions appeared to be rather labored and lacked substance. Moreover, the Commission is baffled to note that the CPIO was unaware of the fact that under the RTI Act, the Appellant is not required to mention any reasons for seeking information nor invariably establish larger public interest for justifying each request for information. Similarly, apprehended that a RTI Applicant may file more RTI Applications asking for further information is no reason to deny an existing request under the garb of all possible exemption clauses of the RTI Act.*
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> *8. A bare perusal of the RTI queries suggest that the Appellant has merely sought for records related to the approval given for formation of the averred Fund and their Trust Deed, both of which are of a generic nature and does not appear to have a bearing on any matter of commercial confidence, invasion of privacy or vitiate a fiduciary relationship. In other words, the CPIO & FAA have failed to justify how any of the exemptions of Section 8(l)(d), 8(l)(j) and 8(l)(e) is squarely applicable in the matter. Further, it is pertinent to note that the CPIO during the hearing has admitted that most of the approval related to information is contained in the Gazette Notification, which is a public document and therefore it was not appropriate for the CPIO to have squarely denied the information sought for in the instant RTI Application. However as gathered from the public domain - 'Stressed Assets Stabilization Fund (SASF) was constituted by the Govt. of India pursuant*

to a provision in the Union Budget 2004-05, a Special Purpose Vehicle (SPV) Trust for acquiring stressed and non:-performing assets of erstwhile Industrial Development Bank of India (IDBI) .' it will not be out of place to observe that the SPV being specific to acquiring the NP As of IDBI, the approval records of the SPV and the Trust Deed may entail or not entail date related to specific NPA accounts, about which no clarity was lent by the CPIO during the hearing.

9. Having observed as above, while rejected the square denial of the information under Section 8(1)(d), 8(1)(j) and 8(1)(e) of the RTI Act, the Commission directs the CPIO to revisit the instant RTI Application and provide the available information with the liberty to redact in consonance with Section 10 of the RTI Act only such portions of the record that identify & disclose details of any specific NPA account, or disclose the financial statement of IDBI or disclose the names and identifying particulars of the officials/third parties processing the approval of the formation of the Fund, etc. The said information as directed shall be provided to the Appellant by the CPIO, free of cost, within 30 days of the date of receipt of this order under due intimation to the Commission."

6. The above conclusions and the directions given by the CIC are unexceptional. It has been rightly held in the impugned order that the reasons tendered by the petitioner no.2 for invoking the exemption/s under Section 8 of the RTI Act, are lacking in substance. The information sought by the respondent was wrongly denied by the petitioner no.2 under the guise of exemptions, without affording a valid justification and by merely directing the respondent to file further application/s for more information. Further, it has been rightly noted that the documents sought are such that they are neither in the nature of commercially sensitive information, nor trade secrets so as to attract the provision of Section 8(1)(d) of the RTI Act.

7. Furthermore, given the nature of the request made by the respondent, it cannot be said that the information is held by the petitioners in a fiduciary capacity.

8. As such, none of the exemptions under Section 8 of the RTI Act are

applicable in the present case. It is also pointed out that the setting up of Stressed Assets Stabilization Fund (SASF) is in the public domain, and that providing the relevant information pertaining thereto may not entail providing any specific information relating to any particular NPA accounts.

9. Despite the aforesaid, the impugned order takes the additional precaution of permitting the CPIO to revisit the RTI application and providing the available information with the liberty to redact any information which is deemed exempted from disclosure by taking recourse to Section 10 of the RTI Act.

10. Learned counsel for the petitioner has not been able to point out any cogent basis for interfering with the impugned order. Reliance has been placed by the learned counsel for petitioner on an order dated 14.03.2024 passed by the CIC in the context of another RTI application filed by the respondent. It can be seen that the queries raised in the RTI application in the case relied upon by the petitioner were substantially different, except for an overlap to the extent that a "copy of the Trust Deed of SAS" was also sought therein. What is important to note is that the impugned order has only directed the CIC to revisit the respondent's application and provide the necessary information with the appropriate redactions. No fault can be found with this direction.

11. In the circumstances, this Court finds no reason to interfere with the impugned order.

12. The present petition is, accordingly, dismissed. Pending application/s also stand disposed of.

SACHIN DATTA, J

FEBRUARY 4, 2025/*at*