Appellant : Shri Ashok Garg

Respondent : State Bank of Bikaner and Jaipur

This matter in these two second-appeals filed by Shri Ashok Garg (appellant) was heard on 02.11.2010. Appellant was absent when called, while the respondents were represented by Shri C.M. Sharma, Chief Manager & CPIO.

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2. Appellant’s RTI-application dated 06.07.2009 was for disclosure of information relating to the numbers of audit firms, payments made to them and details of each such payment.

3. This second-appeal now filed by the appellant is about details of payments made to each Company. Appellant has stated that respondents have provided to him the aggregates of the payments made as well as the number for the Companies to which that payment related, whereas what he had requested for disclosure was the names of all Companies and the payment made to each.

4. Respondents stated that they would like to keep the information confidential as it related to the payments made to the third-parties — the
audit company — who may have objection to the disclosure of information.

5. Delhi High Court, in their decision dated 30.07.2010 in Arvind Kejariwal case, have held that no information relating to third-parties can be disclosed without consulting that party or parties.

6. It is noticed that the number of third-parties in this case is 339 for the entire Region. It will be well-nigh impossible for the respondents to consult all these third-parties about whether the information should be authorized to be disclosed. However, it is reasonable to infer that if these third-parties were consulted each separately, they would not have concurred in disclosure of the payments they received from the public authority. Therefore, consulting the third-parties — though a technical requirement — in this particular case, appears to be a moot point. There is hardly any public interest to warrant disclosure of the information.

7. Apart from this, since the payment made to the audit firms was for the services rendered by that firm or firms to the public authority, the payout was actually an income of the firm / firms concerned. In that sense, it was a personal and private information of that firm, which should be protected from disclosure under Section 8(1)(j) of the RTI Act..

8. It is, therefore, held that the above-mentioned information is not liable for disclosure.


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10. Appellant’s RTI-application dated 30.06.2009 queried the State Bank of Bikaner and Jaipur about their authorized Courier since the year 2001 and all the details relating to the contracts awarded to the Courier.
11. Respondents provided the reply to appellant’s first query. The subject matter of this appeal is the second part of the query.

12. Respondents were asked whether they have any objection to allowing the appellant inspection of the records and documents held in regard to this query. They stated that they had no such objection.

13. Given the type of queries these are, it is obvious that the best course of disclosure of information relating to these is by inspection of the records and documents in regard to whose disclosure to the appellant respondents have no objection.

14. It is accordingly directed that, within four weeks, on a day and time to be intimated to the appellant in advance, he shall be allowed to inspect the above records and documents. Appellant shall be allowed to take photocopies of the documents he might select on payment of the requisite fees.

15. Appeal disposed of with these directions.

16. Copy of this direction be sent to the parties.

( A.N. TIWARI )

CHIEF INFORMATION COMMISSIONER