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Appeal / Complaint No. 1310(3)-WBIC/RTI/242/07
Right to Information Act, 2005
Date of hearing on 29.09.2007

Shri Suneil Sarawgi
-Vs-
SPIO, West Bengal Financial Corporation
-&
Appellate Authority, West Bengal Financial Corporation

Facts on record:

1. Shri Suneil Sarawgi sought for some information from the SPIO, West Bengal Financial Corporation in respect of Modern Refractories Pvt. Ltd., Purulia vide his RTI application dated 25.04.2007. The SPIO vide his letter No. SPIO/SS/250407/2134 dated 25.04.2007 rejected the application under section 8(1) (j) and also on the ground that the credit information as sought for by Shri Sarawgi were related to a number of pending court cases. Shri Sarawgi, being aggrieved preferred first appeal to the Managing Director and Appellate Authority, West Bengal Financial Corporation. The Appellate Authority vide his order dated 01.08.2007 upheld the decision of the SPIO. Shri Sarawgi has therefore preferred second appeal before the Commission on 07.08.2007. The Commission decided to conduct a hearing and asked both the parties to appear before the Commission on 29.09.2007.

SPIO
K-MC
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Order:

2. Shri Kamal Chakraborty, Managing Director and Appellate Authority is found to be absent in the hearing without seeking any leave from the Commission. Nor has Shri Chakraborty authorized SPIO to represent him. The takes exception to disregard shown by the Appellate Authority to the Commission by his absence. The Commission orders that Shri Kamal Chakraborty, Managing Director and Appellate Authority of West Bengal Financial Corporation shall within a fortnight from the date of receipt of this order submit explanation explaining the reasons for his absence without taking leave of the Commission.
3. The Commission heard both the SPIO and the Appellant at length. Shri Sarawgi, it appears that has sought for following information:-
- i) As per the original deed of mortgage what was the rate of interest for loan sanctioned to the above company?

- ii) Is there any supplementary deed or agreement for any increase in the rate of interest?
- iii) Was the rate of interest ever charged in excess of the documented rate of interest?
- iv) What is the current status of the above loan account? In case of dues, how much principle and how much interest are due?
- v) What steps are taken for the recovery of the outstanding dues if any?
- vi) If any amount is due, what steps are taken for the security of the assets of the above company?

4. The SPIO submitted that the West Bengal Financial Corporation extending term loan to MRPL, upon executing borrower specific bipartite covenants between the lender and the borrower. Since MRPL eventually failed to discharge its liabilities scores of title suites, money suites, miscellaneous appeal, writ petitions etc. have been filed by both the parties before different courts of law. The SPIO further submitted that the items of information sought for by Shri Sarawgi relates to credit information which is specifically the matter pending before the court of law for adjudication. Moreover, the information are exempted from disclosure under section 8(1) (j) of the Act because they relate to personal information of a third party disclosure of which may cause invasion into the privacy of that third party. Since Shri Sarawgi has admitted that he is not one of the promoters director's MRPL but is one of the shareholders only, information relating to MRPL amounts to third party information. The Commission finds argument of SPIO to be logical when a court of law is in the process of adjudicating on certain matters. The Commission finds it improper that another authority should interfere into the legal process. Shri Sarawgi is at liberty to pray to appropriate court of law for the documents required by him or may seek orders from the court directing the respondent to furnish information. The Commission also finds that the SPIO has rightly applied the provisions of section 8(1) (j) and is, therefore, under no obligation to furnish information.

5. The appeal is thus disposed of.

Sd/-

Arun Kumar Bhattacharya
State Chief Information Commissioner

Date: 29.10.2007

Authenticated true copy forwarded to:

1. Shri Kamal Chakraborty, Managing Director & Appellate Authority, West Bengal Financial Corporation, 12A, Netaji Subhas Road (3rd & 4th Floor), Kolkata-700001.

2. Shri Probal Dasgupta, State Public Information Officer, West Bengal Financial Corporation, 12A, Netaji Subhas Road (3rd & 4th Floor), Kolkata-700001.

3. Shri Suneil Sarawgi, Gandhi House, 3rd Floor, 16, Ganesha Chandra Avenue, Kolkata-700 013.

Date: 13.11.2007


Secretary & Acting Registrar
West Bengal Information Commission