



Ref No 197326 /RTI/A-02/2020-21

May 08, 2020

**APPEAL NO. A-02/2020-21 BEFORE
APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005**

Background:

The Appellant, Shri Rahul Priyadarshi, SIDBI Dormitory, Flat No 753, SIDBI Staff Quarters, GHS No 1, Sector 17, Panchkula, Pin: 134109, Haryana, has preferred the present appeal dated April 11, 2020 under section 19(1) of RTI Act and received by office of First Appellate Authority (FAA) on April 11, 2020 against the letter number 196574/ RTI-5/2864 dated April 09, 2020 passed by CPIO, requesting intervention of FAA in providing information sought by him in the RTI application.

Observations:

I have gone through the contents of his appeal dated April 11, 2020 as also the letter number 196574/ RTI-5/2864 dated April 09, 2020 passed by CPIO in the matter. It is observed that vide his RTI application dated March 12, 2020, the appellant has sought information on 1) Copy of the office note/speaking order as per which the reply (to the Show Cause dated December 3, 2019) dated December 23, 2019 submitted by Shri Rahul Priyadarshi, General Manager was not found to be satisfactory and Memorandum issued by the Bank/Disciplinary Authority, 2) Copy of the Office note/speaking order as per which the reply dated January 23, 2020 (to the Memorandum dated January 1, 2019) submitted by Shri Rahul Priyadarshi, General Manager was not found satisfactory and Departmental Inquiry was instituted, 3) Copies of Show Cause Notices & Memorandum issued to other dealing officials (date-wise) in the matter and their response to the same. Specific reasons for issue of Show Cause Notices to officials on different dates or after delay as compared to issue of Show Cause Notice to Shri Rahul Priyadarshi, General Manager. Please also provide the reasons for excluding officials, who were part of the decision/reporting process, in

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issue of Show Cause Notices. 4) Copy of office note/s related to removal/delisting and reinstatement of the empanelled and dealing advocate Shri Deepender Singh, from the panel of advocates of the Bank. 5) Details of cases in which the Bank after initiating the auction/e-auction process under SARFAESI Act / SIDBI Act has withdrawn the auction process. 6) Details of cases in which the auction process or sale initiated by the Bank under the provisions of SARFAESI/SIDBI Act has been set aside by DRTs. 7) Details of rectification vouchers passed in the Bank during 2017-18, 2018-19 & 2019-2020 (upto date). 8) Details/Office Notes recorded enumerating allegations of collusion by Shri Rahul Priyadarshi, General Manager, Chandigarh, with one of the the Empanelled and Dealing Advocate, as alleged in the Show Cause Notice dated December 3, 2019 in the matter issued to Shri Rahul Priyadarshi, 9) Details/Office Notes enumerating allegations of intervention alleged against Shri Rahul Priyadarshi, General Manager, mentioned in the Memorandum dated January 01, 2020 issued in the matter to Shri Rahul Priyadarshi, 10) Details/Office Note enumerating vested interest, as mentioned in the Show Cause Notice dated December 3, 2019 whom Shri Rahul Priyadarshi, General Manager was trying to help in subsequent bid after the cancellation of first bid, 11) Details of procedural omission (which had been indicated to be held as invalid by DRT as mentioned in the Show Cause Notice dated December 3, 2019 issued to Shri Rahul Priyadarshi, General Manager, 12) Details of cost imposed on the Bank by different Courts / Tribunals and action taken against the Bank officials, if any, for imposition of such costs on the Bank, 13) Copy of the Bank guidelines regarding accounting treatment accorded to such costs (as indicated at SI No 12) including the competent authority to approve debit of such costs, 14) Details where Bank has filed an appeal, against the imposition of cost on the Bank by the Courts / Tribunals and the outcome of such appeals, 15) Copy of Bank Guidelines for challenging the costs levied by the Courts/Tribunals including the competent authority for approving such action, 16) Copy of Action Taken Report on the 2 member (S/Shri D Ghosh and Ramesh Dharmaji) Committee constituted by the CMD to enquire into (i) as to how in recent cases of FIR that have been lodged with CBI names of certain officers have been included who are not part of the decision making (ii) submit a report within 15 days as to how come the names of those who have not dealt with the cases have been included in the FIR.

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Not satisfied with the reply given by the CPIO, the Appellant has made his appeal on the grounds that refused access to information requested.

I observe that CPIO has provided the factual position to Appellant. The requested information has not been provided, as it is exempted under RTI Act.

The RTI mechanism is meant for providing available information which is not exempted under the provisions of RTI Act.

In view of the above, I do not find any infirmity in the order of the CPIO.

Order:

The appeal is accordingly disposed of. Copy of this order be sent to the appellant and CPIO.

जी. सम्पत कुमार

(जी सम्पत कुमार / G. Sampath Kumar)

मुख्य महाप्रबंधक तथा प्रथम अपीलीय प्राधिकारी
Chief General Manager and First Appellate Authority