



State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/172/2013

Decision No: SIC/J/A/172/2013/300

| | | |
|---|-----------|---------|
| Sh. Mohd. Tayab Ganaie | Appellant | Absent |
| Sh. A.K Raina Dy. Manager, State Bank of India, Regional Business Office-III, Rail Head Complex, Jammu. | | Present |
| Sh. Naresh Sawhney Manager, State Bank of India, Regional Business Office-III, Rail Head Complex, Jammu. | | Present |

Jammu

01-10-2013

Briefly the facts in this appeal are that Sh. Mohd. Tayab Ganaie S/o Sh. Ab. Razak Ganaie R/o Village Jangalwar, Thathri, Doda moved an application dated 22-03-2013 under J&K RTI Act, 2009 before the PIO/Branch Manager, State Bank of India, Thathri seeking detail of transfer under Head MGNREGA through SBI Thathri w.e.f 01-03-2013 to 20-04-2013 alongwith names of beneficiaries of cheque issued by BDO, Thathri.

The information seeker also requested that he may be provided photostat copy of the cheques issued by BDO, Thathri w.e.f 01-03-2013 to till date. The Branch Manager , SBI, Thathri Doda vide No: SL/2013-14/113 dated 15-05-2013 informed the information seeker that the information sought is of personal nature and is also in domain of commercial confidence so it cannot be revealed. The information seeker feeling aggrieved of the aforesaid order filed Ist appeal dated 3-06-2013 before the AGM State Bank of India, SBI Region-III, Rail Head Complex, Gandhi Nager, Jammu. The Ist appeal was disposed of vide SL No:ADMIN/AKR/R-3/210 dated 08-06-2013 whereunder the SBI after obtaining the legal opinion on the subject informed the information seeker that the information sought is of personal nature and is also in domain of commercial confidence and hence, it cannot be revealed under section 8(1)(d), 8(1) (e) and 8(1)(i) of J&K RTI Act, 2009.

The information seeker was not satisfied with the aforesaid order and filed second appeal dated 08-07-2013 before the Commission on the ground that the information has been wrongfully denied and prayed that the Commission may issue necessary orders for release of the information. The Commission after receiving the appeal of the information seeker directed the SBI authorities to file counter statement before the Commission. In counter statement SBI took stand that the information sought is of personal nature and is also in domain of commercial confidence so it cannot be revealed. The matter was listed for hearing on 01-10-2013. During the course of proceedings, it was submitted by the Respondents that SBI is in the business of banking and as such governed by the provisions of Banker's Book Evidence Act, whereby it cannot disclose the information unless directed by the Court of Law or a Judge made by a special cause. It was further submitted that the Public Authority (SBI) is established under section 3 of SBI Act, 1955 whereby it

is under an obligation to maintain fidelity and secrecy of its accounts except otherwise required by Law.

Perusal of the aforesaid facts shows that the CPIO of the Public Authority (SBI) in his wisdom has rightly denied the information as it is exempt from disclosure under section (1)(d), (1)(e) and (1)(i) of the RTI Act. The SBI is also bound by non-disclosure of the said information under BBE and SBI Act, 1955. The appellant has failed to make out a case that larger public interest warrants justifies the disclosure of such information. He is advised to approach the office of the BDO, Thathri by filing a fresh RTI application on the above said subject matter. The appeal is without merit and hence dismissed.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commission

Anu(SS)

Copy to :-

1. First Appellate Authority / AGM State Bank of India, SBI Region-III Rail Head Complex, Jammu.
2. The Public Information Officer/Branch Manager, State Bank of India, Thathri, Doda.
3. Dy. Manager, State Bank of India, Regional Business Office-III Rail Head Complex, Jammu.
4. Manager, State Bank of India, Regional Business Office-III, Rail Head Complex, Jammu.
5. Sh. Mohd. Tayab Ganaie S/o Sh. Ab. Razak Ganaie R/o Village Jangalwar, Thathri District Doda.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission