

CENTRAL INFORMATION COMMISSION

B-Wing, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

Appeal No.943/ICPB/2007

F.No.PBA/07/165

September 24, 2007

In the matter of Right to Information Act, 2005 – Section 19

Appellant: Shri Ramesh Kumar Gupta

Public Authority: Vijaya Bank

Mr. Kiran Kumar, PIO

Mr. T. Vallaippan, ED & Appellate Authority

FACTS:

The appellant sought for a certification that the cheques issued by him from his savings bank account maintained with Canara Bank, School Branch, Kapurthala in favour of Decent Construction & Properties Pvt. Ltd. maintaining account in Vijay Bank had been credited into that account. He has given the dates of drawal of the cheques and also the amount of each cheque. The cheques had been drawn on different dates during the period from 1989 to 1996. The CPIO declined to furnish the information applying the provisions of Section 8(1)(d)&(j) of the Act. On appeal, the AA observed that this information could be obtained from the pass book of the appellant and also from Canara Bank in which his account was being maintained and disclosure of the information by Vijaya Bank in respect of its customer would cause unwarranted invasion of privacy of its customer. Accordingly, he upheld the decision of the CPIO. In the present appeal, the appellant has submitted that even though his account had been debited in respect of all cheques, yet, Decent Construction & Properties Private Ltd. has taken a stand in the court that they have not received any amount from the appellant and therefore he requires this information from the bank. He has further averred that the appellant being the drawer of the said cheques is entitled to know whether proceeds thereof have been credited to the accounts of the drawee. Therefore, the question of applying the provisions of Section 8(1)(d)(j) of the Act would not arise. In the comments, it is stated that the appellant has not sought for information but has sought for a certificate of credit which cannot be deemed to be the information in terms of the RTI Act and that since the bank has to maintain confidentiality in respect of the accounts of its customers, both CPIO and the AA have correctly declined to furnish the information.

DECISION:

The CPIO and the AA are correct in taking the stand that Banks have to maintain confidentiality in respect of their customers. In the present case, the appellant is seeking information whether the cheques drawn by him in favour of one of the customers of the Bank have been credited into the account of the drawee. The AA has advised the appellant to check up from his own bank viz Canara Bank. In case of cheques, it is the collecting bank which is responsible to credit the amount of the cheques in the correct account. Since the information sought relates to the cheques issued by the appellant

himself, he is entitled to know the fate of the cheques and his seeking information cannot be construed as invasion of privacy of the customer of the Bank. Therefore, if the information is available with the Bank, should inform the appellant the dates of credit of the cheques in the account of Decent Constructions. This should be done within 3 weeks. The appeal is disposed of in the above terms.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-

(Padma Balasubramanian)

Information Commissioner

Authenticated true copy :

(Pankaj K P Shyerasker)

Deputy Secretary & Joint Registrar

Address of parties :

1. Mr. Kiran Kumar, PIO, Vijaya Bank, Head Office, 41/2, M.G. Road, Bangalore-560001
2. Mr. T. Vallaippan, ED & Appellate Authority, Vijaya Bank, Head Office, 41/2, M.G. Road, Bangalore-560001
3. Mr. Ramesh Kumar Gupta, Cinema Building, Kapurthala, Punjab