

Shri Venkatesh Nayak,
55A, 3rd Floor,
Siddharth Chambers-1,
Kalu Sarai,
New Delhi – 110 016+

08 AUG 2018

RTI 1283

महोदय,

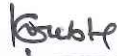
Dear Sir,

सूचना का अधिकार अधिनियम, 2005**अपील संदर्भ क्रमांक : SBIND/A/2018/00053****आवेदन संदर्भ क्रमांक : SBIND/R/2018/00610****RIGHT TO INFORMATION ACT, 2005****Appeal No. : SBIND/A/2018/00053****Req. Ref No. SBIND/R/2018/00610**

हम इस पत्र के साथ आपकी अपील दिनांकित 05.07.2018 जो हमें 12.07.2018 को प्राप्त है, के संदर्भ में प्रथम अपील प्राधिकारी द्वारा दिनांक 08/08/2018 को पारित किए गए आदेश क्रमांक 058/2018 की एक प्रति आपकी सूचना एवं अभिलेख हेतु प्रेषित कर रहे हैं।

With reference to your appeal dated 05.07.2018 received by us on 12.07.2018, we forward herewith a copy of the Order No. 058/2018 dated 08/08/2018, passed by the First Appellate Authority for your information and record.

भवदीय/Yours faithfully

**सहायक महाप्रबंधक (सूचना का अधिकार)**

Assistant General Manager (RTI)

संलग्नक : उपरोक्त/Encls : As above

STATE BANK OF INDIA

FIRST APPELLATE AUTHORITY

Operations Department, 6th Floor, State Bank Bhavan, Madame Cama Road, Mumbai- 400 021

UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT, 2005

DECISION No. 058 / 2018

APPEAL REGISTRATION No. SBIND/A/2018/00053

Name and Address of the Applicant : Shri Venkatesh Nayak, New Delhi

Names of the CPIO and Public Authority : Shri S. K. Thakur, Deputy General Manager (RTI), SBI, Corporate Centre, Mumbai.

The present appeal dated **05.07.2018** received on **12.07.2018** has been preferred by Shri Venkatesh Nayak, hereinafter referred to as the Appellant, against the decision of the CPIO & Deputy General Manager (RTI), Corporate Centre, Mumbai.

2. Facts:

The Appellant sought certain information from the CPIO & Dy. General Manager (RTI) vide his application dated **28.05.2018** received on **01.06.2018** (**Registration No. SBIND/R/2018/00610**) under the provisions of the RTI Act, 2005. The queries raised by the Appellant were duly replied to by the CPIO & Dy. General Manager (RTI), State Bank of India, Corporate Centre, Mumbai vide letter no. **RTI/0827** dated **15.06.2018**.

3. Queries of the Appellant & response by CPIO

The Appellant had sought information on 8 queries and he is satisfied with the reply of the CPIO & DGM (RTI) to 1 query (**query no. v**). The remaining 7 queries of the Appellant and response of the CPIO & DGM (RTI) thereto are as under:

Query i: The denomination-wise total number of electoral bonds sold by each of your authorised branches in March and April 2018 along with the total number of buyers of each denomination.

Reply of CPIO: The information has been provided by the CPIO & DGM (RTI) to the Appellant in a tabular format.

Query ii: The total number of buyers of electoral bonds in each category, namely, individuals, HUF, Company, Firm, Charitable Trust and Others who purchased electoral bonds from each of your authorised branches in March and April 2018.

Reply of CPIO: The information is not compiled in the ordinary course of business and compilation thereof would disproportionately divert the resources of the Bank and hence, exempted from disclosure under Section 7(9) of the RTI Act, 2005.

Dr. H. P.
प्रमाणित सत्य प्रतिलिपि
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STATE BANK OF INDIA

FIRST APPELLATE AUTHORITY

Operations Department, 6th Floor, State Bank Bhavan, Madame Cama Road, Mumbai- 400 021

Query iii: A clear photocopy of all application forms received by your authorised branches against which electoral bonds were sold in March and April 2018.

Query iv: A clear photocopy of redemption slips received and accepted by your authorised branches from every political party in relation to electoral bonds till date.

Query vi: A clear photocopy of all Declarations of Beneficial Ownership received from companies purchasing electoral bonds in March and April 2018.

Query vii: A clear photocopy of all returns or reports, by whatever name called, submitted by your Bank to the Government of India regarding the sale and encashment of electoral bonds till date; and

Query viii: A clear photocopy of all returns or reports, by whatever name called, submitted by your Bank to the Reserve bank of India regarding the sale and encashment of electoral bonds till date.

Reply of CPIO to queries (iii), (iv), (vi), (vii) & (viii): The information sought is third party personal information held by the Bank in fiduciary capacity and exempt from disclosure under Section 8 (e) & (j) of the RTI Act, 2005.

4. Ground for Appeal:-

The information sought has not been provided by the CPIO. Please provide complete and detailed information.

5. Relief Sought:-

Query i: According to the information published on the digital data platform Factly.in, a reply purportedly issued by the same CPIO under his name and signature contains data about the sale of Electoral Bonds through Bengaluru branch of this Bank. However, the said CPIO has failed to include this data in his reply to the instant RTI application which was disposed of by him after the previous RTI application on the subject of branch-wise sale of Electoral Bonds. Hence, submission of this appeal to the First Appellate Authority.

Query ii: The CPIO of this bank ought to have made arrangements to supply the information sought in some other acceptable form. Instead the said CPIO has proceeded to apply Section 7(9) of the RTI Act in a cavalier manner without due regard to Section 7(1) which specifies the grounds on which an RTI application may be rejected legitimately or the Hon'ble CIC's ruling on the subject. Hence, submission of this appeal to the First Appellate Authority.

Kushal
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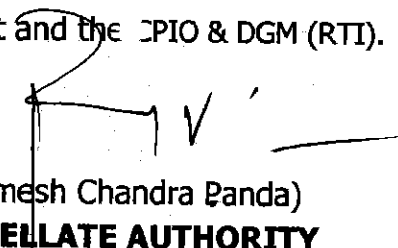
Queries (iii), (iv), (vi), (vii) & (viii): The CPIO has quoted wrong Sections of the RTI Act, 2005. The Appellant has also made reference to Master Circular of Reserve Bank of India on Customer Service and judgments of the Hon'ble Supreme Court and Hon'ble CIC and asked to provide the information.

6. DECISION:

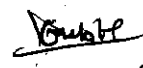
The undersigned has examined the matter and observed that the CPIO & Deputy General Manager (RTI) has provided the available information sought by the Appellant to him vide letter no. **RTI/0827** dated **15/06/2018**. My observations are as under:

- **Query i:** The CPIO and DGM (RTI) is directed to ascertain the correct name of the branch from the concerned department and provide the same to the Appellant.
 - **Query ii:** Since the category-wise number of buyers of electoral bonds is not compiled in the ordinary course of business, the information has not been provided by the CPIO and hence, the undersigned concurs with his decision.
 - **Queries (iii), (iv), (vi), (vii) & (viii):** The information sought by the Appellant is third party information held by the Bank in fiduciary capacity and hence, denied by the CPIO. The undersigned concurs with the decision of the CPIO. The CPIO is directed to quote the correct Section of the RTI Act, 2005 to the Appellant for not providing the information.
7. The Appeal is disposed off accordingly.
8. A copy of this order be forwarded to the Appellant and the CPIO & DGM (RTI).

State Bank of India,
Corporate Centre,
Mumbai
Date: 08.08.2018


(Ramesh Chandra Panda)
APPELLATE AUTHORITY
(Chief General Manager-Operations)




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