

Central Information Commission

Mr.Sunil Aggarwal vs Oriental Bank Of Commerce on 9 September, 2011

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi- 110067

Tel No: +91-11-26161796

Decision No. CIC/SM/A/2010/001

Appeal No. CIC/SM/A/201

Relevant Facts

Emerging from the Appeal:

Appellant

: Mr. Sunil Agarwal  
Sunil Handloom  
F- 7/11, Sector 15  
Rohini, Delhi- 110085

Respondent

: Mr. Y. P. Sadana  
Public Information Officer  
Oriental Bank of Commerce  
Regional Office  
97, Sonapat Road  
Rohtak, Haryana

RTI Application filed on

: 11.08.2010

PIO Replied on

: 10.09.2010

First Appeal filed on

: 15.09.2010

Order of the FAA

: Not mentioned.

Second Appeal filed on

: 10.11.2010

Sl.

Information Sought

PI

1. In relation to the CC Limit and Loan Account with the  
Ganaur Branch, provide the details/guidelines of our loan a/c

We are submitting  
documents asked for

and CC a/c including photocopies of all agreements executed between us (borrower and bank)

2. At the time of sanctioning our loan, we have submitted We are submitting photocopies of all the requisite documents/paper. Provide the photocopies of all documents submitted by the Complainant. such documents.

3. Provide the acknowledgment and certified copy of our We are submitting photocopy of the conveyance deed of plot no. 436, HSIIDC, Barhi. conveyance deed of plot no. 436, HSIIDC, Barhi.

4. Provide the bank statements of both accounts from the We are submitting statements of both opening date to till date. accounts from opening till date.

5. Provide the copy of sanction letter. We are submitting photocopy of sanction letters.

6. We have sent a letter to the manager, branch Ganaur by Photocopy of the letter is enclosed. No letter registered post on 03.05.2010 regarding intimation of loss has been refused. The letter is on our record. due to hazardous fire in our factory located at plot no. 436, Mr. Neeraj Sharda is the person responsible Barhi but the letter was returned undelivered. Explain the for receiving registered posts and Mr. Taresh reason behind the abovesaid refusal of the letter and who was Ranjan in the absence of the former. responsible for receiving postage/letter?

7. We have sent a complaint to the regional office, Rohtak Point no. 7 belongs to you.

regarding the refusal of letter. What action has been taken by the Bank on our complaint? Provide the action taken report and noting of the order.

8. As per the sanction letter dated 15.03.2008 issued by the At the time of sanction dated 15.03.2008, it Bank, Branch Ganaur with the terms that the building and was admitted that policy will be insured stock shall get insured every year in the joint name of Bank every year only on that condition which is and party by debiting your party loan a/c. It is evident that specifically mentioned in the Agreement of the Bank deducted the premium amount for the insurance Hypothecation of assets. Condition no. 26 policy. However, Bank neither gave us intimation and receipt clearly points out that the borrower had to of the insurance policy nor provided us with the details of supply goods, raw materials, semi finished our insurance. Kindly provide the insurance policies. goods form time to time. Since, the borrower failed to submit the same, the Bank cannot be held responsible for non- renewal of insurance policy.

9. Kindly explain the basis and justification to purchase an No insurance policy has been purchased on insurance policy after loss worth Rs. 20 lakh of goods, account of the Borrower and entry dated material and damage of building due to fire. 08.05.2010 has been wrongly debited in the Borrower's account. The same has been rectified on 1.09.2010 & 3.09.2010.

10. Provide the name and contact details of the FAA. Point 10 belongs to you.

11. Provide the name and address of competent authority for Point 11 belongs to you.

redressal of any dispute with the Bank.

Grounds of First Appeal The Appellant through various points of objections has stated that the information provided by the PIO is incomplete, incorrect and misleading.

Order of the First Appellate Authority Not mentioned.

Grounds of Second Appeal The Appellant has stated that the PIO has given incomplete, incorrect and misleading information and no order has been passed by the First Appellate Authority till date.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Sunil Agarwal;

Respondent Mr. Y. P. Sadana, PIO & Chief Manager on video conference from NIC-Rohtak Studio;

The PIO has provided most of the information but is now directed to give the following additional information:

1□Query-2: The attested photocopies of the security cheques given by the Appellant. If no security cheques are available on the records this should be stated. 2- Query-3: Provide the copy of the acknowledgment receipt of the conveyance deeds. If no such acknowledgement is available on the record this should be stated. 3□Query-7: Provide the reply which was sent to the Appellant with respect to the Complaint. 4□Query-8: The respondent claims that he has sent the insurance policies for both the account.

The appellant states he has not received. The PIO is directed send the copies of insurance policies once again alongwith a covering letter stating the details about the insurance policies.

5□Query-9: The attested copies of the voucher for debit entries of Rs.5063/- on 08/05/2010 and credit entry of the same amount on 03/09/2010.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 30 September 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties. Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi Information Commissioner 09 September 2011 (In any correspondence on this decision, mention the complete decision number. (NS)