

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present:- Prof. Radhamohan, SIC

Dated: - 09th May 2007

Second Appeal No 11/2007



Shri Sridhar Das,
Planning and Co-ordination Department,
Secretariat, Orissa,
Bhubaneswar.....Appellant

-Vrs-

1. Public Information Officer
Office of the Registrar of Co-operative Societies,
Orissa,
Bhubaneswar.
2. First Appellate Authority,
Office of the Registrar of Co-operative Societies,
Orissa,
Bhubaneswar.....Respondents

Decision

1. Appellant Shri Sridhar Das is absent on repeated calls. His absence will not vitiate the merits of his case in view of the provisions of Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. The PIO, Shri Himansu Sekhar Panda and First Appellate Authority, Shri Harish Kumar Misra are present. Heard. Perused the appeal record.

2. It reveals from the record that Appellant had submitted his form A application on 17/10/06 for getting the copy of the RBI Inspection report in respect of Utkal Co-operative Banking Society Ltd, Bhubaneswar. The PIO (Respondent) on scrutiny found that the information sought for relate to RBI, a third party, for which he on 24/10/06, requested PIO, RBI to submit their views on the subject vide his letter no.28834 dated 24/10/06 as required u/S 11 of the RTI Act, 2005(Act for short).
3. The Chief PIO, RBI vide his letter no.22710 dated 14/11/06 informed the PIO (Respondent) that information cannot be provided to the Appellant as the RBI is in possession of the information in fiduciary capacity and the same has been exempted from disclosure u/S 8 (1) (e) of the Act. Accordingly the PIO sent intimation in form C on 18/11/06 to the Appellant indicating therein that his request has been rejected.
4. The Appellant preferred first appeal in form D on 04/12/06 and the First Appellant Authority rejected the appeal vide his order dated 30/12/06 for want of any merit.
5. Though this Second Appeal has been preferred by the Appellant before the State Commission, on scrutiny of all the materials available in the record, no illegality is found to have been committed by the two learned forums below and their orders are perfectly reasonable and cannot be legally interfered with.

6. For the reasons aforesaid the State Commission did not find any merit in the appeal, which is hereby dismissed.

Pronounced

Given under the hand and seal of the State Commission, this the 09th day of May 2007.



Prof. Radhamesh, SIC
19.5.07

Prof. Radhamesh, SIC
Planning and Co-ordination Department
Secretariat, Orissa,
Bhubaneswar

Public Information Officer
Office of the Registrar of Co-operative Societies,
Orissa,
Bhubaneswar

First Appellate Authority,
Office of the Registrar of Co-operative Societies,
Orissa,
Bhubaneswar

Decision

Appellant Shri Sachar Das is absent on repeated calls. His absence will not vitiate the merits of his case in view of the provisions of Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. The PIO, Shri Himansu Sushil Panda and First Appellate Authority, Shri Harish Kumar Mishra are present. Board perused the appeal record.

Pachter