

**Case No.** : **KP(M). 955/2017**  
**Complainant/ Appellant** : **Sri Narendra Siotia**  
**Respondent** : **AIDC Ltd**  
**Date of Hearing** : **29-11-2017**  
**Complaint/ Second** : **Shri H. S. Das, IAS (Retd)**  
**appeal heard by** : **State Chief Information Commissioner, Assam**

**O R D E R**  
**29-11-2017**

1. The appellant/petitioner Sri Narendra Siotia is present accompanied by Sri B.P.Siotia. The public authority is represented by (i) Mrs Sabita Tamuli, Company Secretary, AIDC Ltd and PIO, AIDCLtd.,(ii) Sri Om Prakash Agarwalla, Financial Controller, AIDC Ltd. and (iii) Sri Shokun Ali, Cashier of the same office.
2. The second appeal petition dated 3-10-2017 is taken up for hearing in presence of both the parties.
3. From perusal of case records it is seen that the petitioner filed an RTI petition dated 8-5-2017 before the SPIO of Assam Industrial Development Corporation (AIDC) seeking informations relating to State Bank of India cheque No. 804682 dated 19-6-1997 for an amount of Rs. 19,92,459.00 drawn in favour of an SSI unit, namely, Siotia Steels Ltd on New Guwahati Branch of State Bank of India. One written submission dated 27<sup>th</sup> November, 2017 has been received from the Managing Director and FAA of AIDC Ltd. stating that the informations available with AIDC have already been furnished to the petitioner vide letter dated 18<sup>th</sup> May, 2017. Except for point No.6 of the RTI petition, i.e., the date on which the cheque was cleared, all the other informations have been furnished to the petitioner. The petitioner also acknowledged receipt of all the informations except point No. 6 of the RTI petition.
4. It transpired in course of today's hearing that the petitioner received the above mentioned cheque from AIDC and presented the same before the State Bank of India, Panbazar Branch, Guwahati on 19-6-1997. The counterfoil of the deposit slip clearly mentions deposit of an amount of Rs. 19,92,459.00 vide cheque No. 804682 dated 19-6-1997 from State Bank of India, New Guwahati branch. The petitioner also produced before this Commission a copy of the manually written Bank statement for June, 1997 furnished by the State Bank of India, Panbazar Branch where it is clearly mentioned that an amount of Rs. 19,92,459 was credited to the account of M/s Siotia Steels Ltd. by clearing. The appellant has with him copies of the manually prepared Bank statements till the year 2004, and beyond, when the SSI unit accounts were declared as NPA. Thereafter State Bank of India referred the matter to the Debt Recovery Tribunal - as stated by the appellant. The appellant produced these manually prepared Bank statements before this Commission today. He also produced the printed

re-calculated statement of accounts of Siotia Steels Ltd. which the Bank submitted before the Debt Recovery Tribunal, where an amount of Rs. 19,924.59 paise only has been shown as credited to the account of M/S Siotia Steels Ltd by clearing on 23-6-1997.

5. Being aggrieved the petitioner filed his RTI petition before AIDC Ltd seeking, interalia, the date of clearing of the above mentioned cheque for Rs. 19,92,459/-.
6. The Managing Director and First Appellate Authority of AIDC Ltd. has mentioned in his written statement dated 27-11-2017 that they requested SBI, New Guwahati Branch vide their letters dated 17-6-2017, 20-7-2017, 11-8-2017 and 16-11-2017 seeking details of clearing of the above mentioned cheque.
7. The State Bank of India, New Guwahati Branch vide their letters dated 22-11-2017, 29-6-2017 and 2-8-1977 informed the AIDC Ltd. that being more than 20 years old they have not been able to trace the clearing details of cheque No. 804682 dated 19-6-1997. The Bank has also mentioned that as per their documents handling and retention policy they need to retain the current registers and vouchers for 10 years only. The Banks' position does not appear to be convincing to this Commission, because :- (a) The Siotia Steels Ltd was declared , as stated by the appellant, as an NPA account by the Bank in the year 2004 and the Bank referred the matter to the Debt Recovery Tribunal. At that time the matter of clearing of the cheque under reference was not 10 years' old.. It may, therefore, be logical to infer that the Bank would retain all relevant records, documents, books and vouchers at least till disposal of the case in the DRT, (b) there is nothing on record to indicate that the State Bank of India has disowned their manually prepared bank statement of June, 1997 showing a credit of Rs. 19,92,459/- and the Bank's deposit counterfoil dated 19-6-1997 and stated that the entry was verified with the Bank statement and ticked to be correct by their auditors by which M/S Siotia Steels Ltd. deposited the cheque No. 804682 dated 19-6-1997 for an amount of Rs. 19,92,459/- in the State Bank of India, Panbazar, Guwahati Branch ,and (c) Section 8(3) of the RTI Act , 2005 also stipulates that subject to the provisions of Clause (a),(c) and (i) of Sub-Section (1), the exemptions from disclosure of information granted by Section 8(1) of the Act, are not available and , therefore, cannot be invoked , after expiry of 20 years.
8. PIO of AIDCL produced their cash book of the relevant time to show that in the original cash book there was an entry showing that cheque No. 80462 for an amount of Rs. 19,92,459/- was issued to Siotia Steels Ltd on 19-6-1997 and stated that the entry was verified with the Bank statement of that time and ticked to be correct by their auditors. The SPIO of AIDCL submitted that their original bank statement of June, 1997 could not be traced and hence they requested the Bank as mentioned at para-6 above. The PIO has also produced the original copies of their debit vouchers dated. 19-6-1997 and money receipt both of which were received by the M.D, Siotia Steels Ltd. with his signature.

9. In view of the above, the SPIO of AIDC Ltd. is directed to take the matter up with the State Bank of India once again and request them to clarify the above mentioned discrepancies on the dates and amounts of clearing the above mentioned cheque bearing No. 804682 dated 19-6-1997 and inform AIDC Ltd specifically about the date on which the above mentioned cheque was actually cleared by the Bank, and inform the petitioner within 30 days from the date of receipt of this order about the outcome of their correspondence with State Bank of India.
10. The above order is without prejudice to the right of the petitioner to approach the State Bank of India, which is a Central Public Sector Bank coming within the purview of Central Information Commission, with separate RTI petition.
11. With the above order the second appeal petition dated 3-10-2017 is disposed of.

**Sd/-**

**(H. S. Das)**

**State Chief Information Commissioner,  
Assam**

**Authenticated true copy**

**Sd/-**

**Registrar**

**Assam Information Commission**

**Memo No SIC/ KP(M). 955/2017/**

**A**

**Dated 29-11-2017**

Copy to:-

- 1) Mrs Sabita Tamuli, Company Secretary, AIDC Ltd and PIO, AIDC Ltd. for information and necessary action.
- 2) Sri Narendra Seotia 29, Radha Bazar , 3<sup>rd</sup> Floor, SRCB Road, Fancy Bazar, Guwahati-781 001 for information and necessary action
- 3) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar**

**Assam Information Commission.**