

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/RCFDB/A/2022/629085**  
**CIC/RCFDB/A/2022/634074**

Shri T M Srinivasan  
with Shri V Vignesh

... अपीलकर्ता / Appellant

VERSUS / बनाम

1. PIO, REPCO Bank, TN  
Through: Shri A Sudhakar – PIO

...प्रतिवादीगण / Respondent

2. PIO, REPCO Home Finance Ltd., TN  
Through: Shri Syed Abdul Khader Jeelani – DGM  
and Shri Ankush Tiwari – Company Secretary

Date of Hearing : 02.05.2023

Date of Decision : 03.05.2023

**Chief Information Commissioner : Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

*Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.*

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 <sup>nd</sup> Appeal received on
<b>629085</b>	16.03.2022	18.04.2022	20.04.2022	16.05.2022	31.05.2022
<b>634074</b>	17.03.2022	01.04.2022	11.04.2022	-	23.06.2022

**Information sought and background of the case:**

- (1) **CIC/RCFDB/A/2022/629085**  
(2) **CIC/RCFDB/A/2022/634074**

The Appellant filed an RTI application dated 16.03.2022 and 17.03.2022 seeking information on 12 points and sub points, some of which are as under:-

I want Information about Loan sanctioned to Mrs. S. Sangeetha, W/o. Mr. J. Saravanakumar, residing at No.A15, Gangatheeswarar koil street, Police Quarters, Purasaiwallakkam, Chennai – 600 084 against Property with Land and House situated at Plot No. 3A, Maruthi Street, Pozhichlaur Chennai – 600 074, extent of 666 Sq. ft. and comprised in Grammanatham Old Survey No. 210/2 ( Part ), as per patta No. 694, New Survey No. 370/9 of Pozhichalur Village, Alandur Taluk now Pallavaram Taluk, Kancheepuram district now Chengalpattu district, Tamilnadu and Deposit of Title deed was registered in Pammal sub-registrar office vide MOD Document no. 6073/2021, dt. 14.07.2021 by Assistant General Manager, Repco Home Finance Ltd, A unit of Repco Bank, Ashok Nagar Branch, Chennai – 600 083.

Above mentioned Pozhichalur Village, Grammanatham lands, Old Survey No. 210/2 ( Part ), new survey Nos. 369/12, 369/13, 369/14, 370/9 & 370/10, my mother-in-law, Mrs. Chandra was having share and Partition suit was pending in Honourable District Court of Chenglapet vide OS No. 390/2019. Mr. D. Krishnamoorthy ( R2 ), Mrs. Mohana ( R14 ) & Pammal Sub-registrar office ( R 22 ), were also one of the Respondent in above mentioned pending suit O.S. no. 390/2019. Also my wife Mrs. P. Bhuvaneswari has sent Objection petitions to Sub-registrar office, Pammal on 18.10.2017 & 19.02.2018 ( Xerox copy of objection petitions dt. 18.10.2017 & 19.02.2018 was attached ) for having objection on registering document on above mentioned Pozhichlaur village Grammanatham land, Old survey No. 210 / 2 ( Part ) mentioning with all Sale deed document numbers. Also my wife Mrs. P. Bhuvaneswari had sent Objection petition, dt. 31.07.2018 ( Xerox copy of objection petition, dt. 31.07.2018 was attached ) to Pallavaram Taluk about Patta granted for New Survey Nos. 369/12, 369/13, 369/14, 370/9 & 370/10.

As per revenue record Alandur Taluk now Pallavaram Taluk's revenue record, Pozhichalur village's new survey no. 369/9 was not in the name of Mr. D. Krishnamoorthy and it was vacant. Attached certified copy of survey no. 369/9's FMB sketch & Natham Adangal received from Pozhichalur VAO. My Mother-in-law Mrs. Chandra was pre-deceased daughter of Mr. P.S. Deivanayagam, and predeceased on 23.02.1997.

Pl. provide me the certified copy of following information:

1. Please inform Repco Bank's ownership units i.e. Repco bank was promoting business of any other units like Repco Home Finance Ltd, Repco Micro Finance Ltd, Repco Foundation for Micro Credit, etc.
2. Please inform the percentage of investment / shares / paid-up equity capital of Repco Bank in Repco Home Finance Ltd, Repco Micro Finance Ltd, Repco Foundation for Micro Credit.
3. Please give me the certified copy of file pertaining to verification of Mr. P.S. Deivanayagam's death Date ( 07.10.2000 ) and date of Registration of Mr. P.S. Deivanayagam's death ( 24.11.2004 ) and Permanent Residential Address of Mr. P.S. Deivanayagam in Mr. P.S. Deivanayagam's Death Certificate vide death registration No. 007/0001/2004/00205 dt. 15.11.2004 at the time of sanctioning of loan by Repco Home Finance Ltd, A unit of Repco Bank, Ashok Nagar Branch, Chennai – 600 083 / Repco Home Finance Ltd's Registered Office, T.Nagar to Borrower Mrs. S. Sangeetha against property with Land and house situated at Plot No. 3A, Maruthi Street, Pozhichlaur Chennai – 600 074, extent of 666 Sq. ft. and comprised in Grammanatham Old Survey No. 210/2 ( Part ), as per patta No. 694, New Survey No. 370/9 of Pozhichalur Village.

Please Note Mr. P.S. Deivanayagam's date of death was 07.10.2000 and date of registration of Mr. P.S. Deivanayagam's death was 15.11.2004. Mr. P.S. Deivanayagam's death was registered after 4 years from the date of death of Mr. P.S. Deivanayagam by getting order from competent court. Within 1 year period only registration of death is possible without competent court's order in local body in those days.

Without Competent Court's order Registration of death of Mr. P.S. Deivnayagam was not possible in local body because death of Mr. P.S. Deivanayagam was registered after 4 years. Also Competent court will not issue order for registration of death of Mr. P. S. Deivanayagam ( permanent resident of Pozhichalur Village ) without his proper Medical Certificate, Burial ground certificate and Proper Permanent Residential Address proof of Mr. P.S. Deivnayagam. From Mr. P.S. Deivanayagam's Death certificate, Permanent Residential Address of Mr. P.S. Deivanayagam was Pozhichlaur is proved.

4. Please give me certified copy of file pertaining to verification of Residential address mentioned in Mr. P.S. Deivanayagam's Legal Heir Certificate issued by Erstwhile Purasaiwalakkam-Perambur Taluk vide Ni. Mu. No. ( E1)/27240/2004, dt. 24.12.2004 at the time of sanctioning of loan by Repco Home Finance Ltd, A unit of Repco Bank, Ashok Nagar Branch, Chennai – 600 083 / Repco Home Finance Ltd's Registered Office, T.Nagar to Borrower Mrs. S. Sangeetha against property with Land and house situated at Plot No. 3A, Maruthi Street, Pozhichlaur, Chennai – 600 074, extent of 666 Sq. ft. and comprised in Grammanatham Old Survey No. 210/2 ( Part ), as per patta No. 694, New Survey No. 370/9 of Pozhichalur Village.

Note : Address mentioned in Legal heir Certificate of Mr. P.S. Deivanayagam is Villivakkam. Please note for my RTI petition to Thasildar, Bifurcated Aminjikarai Taluk ( Old records are lying in Bifurcated Perambur Taluk ) by virtue of his letter dated 12.09.2017 answered the query stating that the reference number given in the Legal Heir Certificate of Mr. P.S. Deivanayagam does not tally with reference number in their Distribution register and in their Issue register, bifurcated Perambur taluk made it clear that the reference number relates to a person named R. Ranganathan and therefore, it is clear that Mr. P.S. Deivanayagam's Legal Heir Certificate Produced by Borrower Mrs. Sangeetha does not pertain to Mr. P.S. Deivanayagam. **From Bifurcated Perambur Taluk's reply letter, dt. 12.09.2017, Mr. P.S. Deivanayagam's Legal Heir Certificate was Fake**

**Document.** Also Bifurcated Perambur Taluk had given to me a Copy of Erstwhile Purasaiwallakkam-Perambur Taluk's Issue register from 01.11.2004 to 31.01.2005.

5. Please give me certified copy of file pertaining to verification of permanent residential address of Mr. P.S. Deivanayagam mentioned in Mr. P.S. Deivanayagam's death certificate and address mentioned in Mr. P.S. Deivanayagam's Legal Heir Certificate at the time of sanctioning of loan by Repco Home Finance Ltd, A unit of Repco Bank, Ashok Nagar Branch, Chennai – 600 083 / Repco Home Finance Ltd's Registered Office T.Nagar to Borrower Mrs. S. Sangeetha against property with Land and house situated at Plot No. 3A, Maruthi Street, Pozhichlaur, Chennai – 600 074, extent of 666 Sq. ft. and comprised in Grammanatham Old Survey No. 210/2 ( Part ), as per patta No. 694, New Survey No. 370/9 of Pozhichalur Village.

Note : In Mr. P.S. Deivayanayagam's death certificate his permanent residential address was mentioned as Pozhichalur and In Legal heir certificate of Mr. P.S. Deivanayagam was mentioned as Villivakkam. There is address discrepancy in Mr. P.S. Deivanayagam's death Certificate and Legal heir certificate.

Etc.

The CPIO, Repco Home Finance Ltd., vide letter dated 29.03.2022 and 01.04.2022 replied as under:-

We are receipt of your letter/ RTI petition cited in Ref.1. and we would like to let you know that M/s. Repco Home Finance Ltd., is not a public authority as defined in Sec.3(h) of Right to Information Act, 2005., And thus your RTI application is not maintainable before us.

We advice you to approach appropriate forum for proper relief.

The PIO/Joint General Manager, Repco Bank, vide letter dated 18.04.2022 replied as under:-

This has reference to your RTI application cited above which was received by us on 19.03.2022. In this regard, the details sought by you are furnished below:

Point No. 1: No.

Point No 2: The information is available in the public domain viz. websites of the respective institutions.

Point No 3 to 12: The information sought by you is not available with Repco Bank. It pertains to records & files under the control of Repco Home Finance Limited. Copy of letter received from Repco Home Finance Limited is enclosed.

Dissatisfied with the response received from the CPIO, the Appellant filed First Appeals dated 11.04.2022 and 20.04.2022.

The FAA/General Manager, Repco Bank, vide order dated 16.05.2022 held as under:-

i have carefully perused all the papers/records connected to the matter and i observe the following on this case.

-----

With regard to the information sought in the original petition of the appellant, I am of the opinion that CPIO: Repco Bank has sent appropriate reply vide letter Rc.No.14/2022/RTI/010 dated 18.04.2022 as per the provisions of the RTI Act 2005. for the information sought by the petitioner.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

**Facts emerging in Course of Hearing:**

A detailed written submission has been received from the REPCO Home Finance Ltd. vide letter dated 28.04.2023 reiterating and reaffirming their claim that it is not a public authority, in the following manner:



2. The appellant, vide his submission dated 22-06-2022 has taken a plea that RHFL is a subsidiary of Repco Bank. It is submitted that RHFL was incorporated under the Companies Act, 1956. Repco Bank is currently holding 37.13% of shareholding in the company and remaining shares are held by Foreign Portfolio Investors, Institutional investors, mutual fund, retail shareholders, etc. To be more specific Repco Bank is neither a holding company of Repco Home Finance limited nor RHFL a subsidiary concern of Repco Bank.
3. To substantiate our claim, we seek reference to a judgment of the Hon'ble High Court of Madras in **A. Malaisamy v/s Union of India**, Rep. by its Secretary to Government, Ministry of Home Affairs, Government of India, New Delhi & Others W.P.No. 8523 of 2015 & M.P.Nos. 1 & 2 of 2015, wherein it is clearly stated that *Repco Home Finance Ltd which is the 5<sup>th</sup> respondent in the above case is a **separate entity**, registered under the provisions of the Companies Act and the Repco Bank (fourth respondent in the above case) is having a shareholding of only 37.26% and the remaining shares are held by public. Secondly, the Chairman, Managing Director and other Board of Directors were appointed by the Board in the Annual General Body Meeting held under the provisions of the Companies Act, 2013. Thirdly, the age limit prescribed for Public Sector Undertakings or Public Sector Banks for holding the post of Managing Director will not be applicable to the Repco home Finance ltd (fifth respondent) and consequent upon its incorporation under the provisions of the Companies Act, the said Act alone could be applicable and the company Repco Home Finance Ltd is not controlled by Repco Bank.* A copy of the judgment is enclosed as Annexure 1 to this letter.
4. We also would like to submit a communication of Central Vigilance Commission vide its Memo dated 22.08.2016 S./No. 015/HMA/006/322913 wherein CVC has also declared that **'Government has no direct shareholding in Repco Home Finance Ltd therefore it is not a Government Company under the Companies Act. Even perusal of papers reveals that MHA had informed to the High Court of Madras that RHFL is not a Government Company.'** A copy of the communication is enclosed as Annexure 2 to this letter.
5. In view of the above submissions, the contention raised by Appellant that Repco Home Finance Limited is a Government of India enterprise and is Government Company is unsustainable and we request you to dismiss the appeal.
6. Even otherwise it is learnt and evident from the petition that there are some litigations pending between appellant and other parties and the Appellant wants to elicit some information to make out his case in the court of law. Hence he is trying to fish out information by all means for his personal benefit and individual use by seeking confidential and contractual information wherein no public interest is involved.
7. National Housing Bank, which is an apex supervisory financial institution for housing in its circular NHB/ND/DRS/POL-NO.34/2010-2011 dated October 11,2010 has explicitly stated under clause 4.3 that all personal information of customers shall be treated as private and confidential even when the customers are no longer customers, and shall be guided by the following principles and policies: HFCs shall not reveal information or data relating to customer accounts, whether provided by the customers or otherwise, to anyone, including other companies' entities in their group. Hence the appellant is not entitled to receive the information he is seeking from us. A copy of the circular is enclosed as Annexure 3 to this letter for reference

Hearing was scheduled through virtual means after giving prior notice to both the parties. The relevant parties are heard through video conference wherein the Appellant contended that the information sought by him relates to a partition suit pending in the Trial Court Chengalpet Court. Since he is a party in the pending litigation and the information sought by him relates to members of the family who are also parties in the said partition suit, it is his contention that the information does not relate to third party. Rebutting the reply sent by the Repco Home Finance Ltd., the Appellant has placed reliance on decision dated 31.07.2019 passed by an erstwhile Bench of this Commission in appeals number CIC/RCFDB/A/2018/162356 & CIC/RCFDB/A/2018/163971 whereby it was held as under:

9. In view of this, the Commission directs the respondent no. 1 to obtain information on point no 2, 4, 5 and 6 of the RTI application from REPCO Home Finance Ltd. and provide the same to the appellant, within a period of four weeks from the date of receipt of a copy of this order under intimation to the Commission.

Respondents reiterated their respective contentions as already mentioned hereinabove. The PIO, REPCO Bank has also placed reliance on two past decisions of this Bench wherein while adjudicating similar queries pertaining to the REPCO Home Finance, this Bench had held as under:

I. CIC/RCFDB/A/2019/125074 titled *Smt. S Rathinam vs. PIO, REPCO Bank*, which had been decided by order dated 10.08.2021 as under:

*“..In view of the above position, the Appellant is advised to seek appropriate remedy and approach the REPCO Home Finance, outside the purview of the RTI Act for redressal of her grievance. It appears from the averments of the Respondent that the loan had been disbursed by a non-Government organisation, which falls outside the purview of the RTI Act. Moreover, the germane issue in this case is redressal of grievance of the Appellant, which cannot be addressed under the RTI Act. The Respondent is advised to offer necessary assistance to the Appellant on humanitarian grounds.”*

II. CIC/RCFDB/A/2020/685298 titled *Priyaranian Sontakke vs. PIO, REPCO BANK* had also been decided by order dated 06.04.2022 as under:

*“..., grievance of the Appellant, relating to the REPCO Home Finance Limited cannot be addressed under the RTI Act, since the organisation in question is not a public authority. The Respondent is advised to offer necessary assistance to the Appellant on humanitarian grounds, if and when the Appellant approaches them...”*

**Decision:**

The above discussion reveals that the legal position with respect to the REPCO Home Finance Ltd. has been clearly laid down by the Hon'ble High Court of Madras vide decision dated 29.09.2015 stating that *REPCO Home Finance Ltd. is a separate entity*[not a subsidiary of REPCO Bank], *registered under the provisions of the Companies Act*. REPCO Bank holds 37.13% of shareholding in the REPCO Home Finance Ltd. and remaining shares are held by Foreign Portfolio Investors, Institutional investors, mutual fund, retail shareholders, etc. It has been specifically averred by the REPCO Home Finance Ltd. that Reppo Bank is neither a holding company of Reppo Home Finance Limited nor RHFL is a subsidiary concern of Reppo Bank.

It is also pertinent to note that the information sought by the Appellant relates to third party and is categorised as personal information, exempt from disclosure under Section 8(1)(j) of the RTI Act. Such personal information of customers is held by the banks/financial institutions, whether public or private, in fiduciary capacity and are barred from disclosure under Section 8(1)(e) of the RTI Act. The written submission dated 28.04.2023 filed by the REPCO Home Finance Ltd. is comprehensive and self explanatory as such. However, it seems copy of the same has not been sent so far to the Appellant. Hence, it is hereby directed that a complete set of the written submission dated 28.04.2023 must be supplied to the Appellant, within two weeks of receipt of this order. No further adjudication is warranted in this case, under the RTI Act, in the light of the above discussion.

The substantive matter, i.e. the partition suit is already pending before the competent Court. The Appellant is at liberty to take appropriate legal recourse to obtain the desired information, outside the purview of the RTI Act.

The appeals are disposed off accordingly.

**Y. K. Sinha** (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy

(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)

Dy. Registrar (उप-पंजीयक)

011-26186535