

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision: 23.08.2013

+ W.P.(C) No.5232/2013

INDERJEET SINGH

..... Petitioner

Through: Petitioner in person

versus

CENTRAL PUBLIC INFORMATION OFFICER, NCDRC & ANR.

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE V.K.JAIN

JUDGMENT

V.K.JAIN, J. (ORAL)

The petitioner before this Court applied to CPIO of the National Consumer Redressal Commission seeking certain information. The said application was responded by the CPIO on 2.4.2012. The queries of the petitioner and their respective replies given by CPIO read as under:

Question	Reply
1.Can a Third Party inspect the file in a DECIDED case of a petition, Revision Petition, Review Petition	Inspection of records in pursuance of Regulation no.22 of Consumer Protection Regulation, 2005 is permissible only to the parties (parties in dispute or their agents), Regulation 22 of the Consumer Protection reproduced hereunder: “Inspection of records – Parties (Parties in dispute) or their agents can inspect the records of any matter by filing an application on payment of ten rupees as fee.
2. If yes, then copy of the procedure, method, rules, fees may please be provided.	Does not arise.
3.Can the complete set of papers relied upon in a DECIDED case be obtained from NCDRC.	As per provisions of Regulation 21 of the Consumer Protection Regulations, 2005 – only a party to a dispute is entitled to any copy of the complaint, reply rejoinder or any other annexure. Certified copy of the order passed therein, can however be obtained by a third party.
4. If yes, then detailed procedure like	Does not arise

format of the application, fee, timings, working hours may please be given.	
5. Is there any discretion whether to allow an application for information as per para (3) or reject it? If yes, then who is the competent authority and what are the parameters/ guidelines or rejection. May please be provided.	Please refer reply to point no.3 above. Nothing more is available to add.
6. What are the different channels/rules/regulations/ Act available to obtain the desired information from NCDRC for an information seeker. The details thereof may please be provided.	Please visit our website: www.ncdre.nic.in for go through the Consumer Protection Act, 1986 and the Consumer Protection Regulation 2005- for information.
7. Are there any specific rules and regulations or procedure for disclosure of information to third party.	Please refer reply to point no.3 above, Nothing more is available to add.
8. Is there any bar to provide information to the Third Party? If so, under which provision, complete details may please be provided.	Please refer reply to point no.3 above, Nothing more is available to add.

2. Being aggrieved from the reply given by the CPIO, the petitioner preferred an appeal before the First Appellate Authority. The First Appellate Authority vide order dated 26.4.2012, *inter alia*, directed as under:

“Regulation 22 Inspect in of Records Parties or their agents can inspect the records of any matter by filing an application on payment of then rupees as fee.

On perusal of the records it is noticed that regulation 22 is the basis on which the CPIO has disposed of your application under RTI Act it lays down that the party or his agent can be allowed inspection of payment of the fee. To put it differently inspection if any can be allowed only to the parties. The rule making authority was conscious of the fact that permitting inspection to a person who is not a party would prejudicially effect the decision making process and thus 3rd party has not been included within the framework of Regulation 22. Having regard to this provision, parties or their agents alone can be permitted to inspect the records of any matter by observing the formalities indicating in the regulation.

Section 8(1)(b) points that CPIO is under no obligation to transit the information which has been expressly forbidden by any court of law or tribunal. Regulation 22 bars transmission of such information to third party. There may be an argument that regulation 22 does not expressly bar the third party from inspection. But from what is indicated in the

regulation scope for inspection of records beyond the party, is not permissible. It may not have been specifically indicated strictly but the inference that is barred is more than obvious. It is trite law that what is not explicitly permitted is explicitly forbidden. Be that as it may, the reply furnished by the CPIO not permitting inspection to the third party is squarely covered under Regulation 22 read with section 8(1)(b) of the RTI Act.

Keeping these facts into account I am of the opinion that there exists no good ground to allow the appeal. Before parting it would be equitable to examine the ration of the order passed by the CIC in the case of "Iqbal Kaur". In the case of Iqbal Kaur our defence was that the third party cannot be allowed inspection. Our view has been upheld although for a different reason reply on the provisions of section 8(1)(j) of the RTI Act, 2005. This is yet another ground for disposing of the appeal upholding the orders passed by the CPIO.

Once the issue relating to 3rd party inspection has been disposed of on the line set out above, succeeding issue relating to whether certified copies of the papers relied upon in a decided case can be furnished by the National Consumer Dispute Redressal Commission, is also disposed on the same line and no further deliberations qua the issue are required."

3. Being still aggrieved, the petitioner preferred an appeal before the Central Information Commission which vide the impugned order dated 4.6.2013 held that no intervention of the Commission was required in the matter.

4. It would thus be seen that the main information sought by the petitioner was as to whether a third party has a right to inspect the file of a decided case or not. Referring to Regulation 22 of the Consumer Protection Regulations, 2005, the CPIO replied that such an inspection was permissible only to the parties to the dispute or their agents. The Regulation itself was reproduced in the reply dated 2.4.2012 sent by the CPIO. The First Appellate Authority in its order dated 26.4.2012 reiterated the same response by saying that the inspection can be allowed only to the parties and a third party is not included within the framework of Regulation 22. Thereby, the petitioner was specifically informed that only parties

to the *lis* or their agents can be permitted to inspect the records and inspection by a third party was not permissible.

5. A perusal of Regulation 22 of Consumer Protection Regulation, 2005 leaves no doubt that no third party can inspect the record of any decided petition/ revision petition/ review petition etc. The validity or otherwise of the said Regulation cannot be questioned in a proceeding under Right to Information Act. The petitioner wanted to know whether inspection of record by a third party is allowed or not and the said information was provided to him by CPIO. Not only that even Regulation on the basis of which the information was provided, was also reproduced in its response sent by the CPIO to the petitioner. Since no inspection by a third party is permissible under the Regulations, there would be no occasion for supplying the copy of the procedural method, rule, fees etc. for this purpose.

6. As regards the copy of the set of papers, CPIO relying upon section 21 of the Consumer Protection Regulations informed the petitioner only a party to dispute is entitled for a copy of the complaint, reply, rejoinder etc, though certified copy of the order passed by the Commission can be obtained by a third party. Therefore, complete information with respect to supply of copies to a third party was provided to the petitioner. Since the Regulations do not provide for supply of copies to a third party, there can be no question of providing detailed procedure etc in this regard to the petitioner. As regards, query no.5, the same rightly stood answered in terms of reply to query no.3, since Regulation do not give any discretion to any authority in the Commission to allow an application for inspection by a third party. The same is the position with respect to query no.7 and 8. As regards query no.6, the petitioner was asked to visit the website of the Commission and go through the provisions of Consumer Protection Act, 1986 and the Regulations framed thereunder. Therefore, any further information in this regard could be obtained by

the petitioner by examining the provisions of the Act and Regulations framed thereunder.

Since the information sought by the petitioner was duly provided to him, I find no merit in the petition and the same is hereby dismissed. There shall be no orders as to costs.

V.K. JAIN, J

AUGUST 23, 2013/rd