

Court No. - 3

Case :- WRIT - C No. - 10799 of 2023

Petitioner :- Rajesh Chandra

Respondent :- State Information Commissioner U.P. Thru. Its Registrar Information Commission And Others

Counsel for Petitioner :- Neeraj Tewari, Tauqueer Alam

Counsel for Respondent :- Shikhar Anand, C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for petitioner, Sri Shikhar Anand, learned counsel for respondent no.1 and learned Standing Counsel for the State.
2. Petitioner has approached this Court challenging the order dated 26.02.2014 as well as order dated 16.10.2023 passed by State Information Commission. By order dated 26.02.2014 a cost of Rs.25,000/- was imposed upon the petitioner.
3. Challenging the same, petitioner had earlier filed a petition before this Court bearing Writ-C No.7805 of 2023 which was disposed of by the following order on 18.09.2023 :-

"Heard learned counsel for the parties and perused the record.

The petitioner has approached this Court challenging order dated 21.04.2023 whereby the application to recall the orders dated 26.02.2014 and 25.03.2014 was rejected.

By the impugned order a cost of Rs.25,000/- was imposed against the petitioner as he was not complying with the orders of the Appellate Authority for providing information under R.T.I. Act.

Learned counsel for the petitioner submits that the recall application was rejected without providing opportunity of hearing as the petitioner was sick on the relevant date.

Learned counsel for the opposite party Shri Shikhar Anand has strongly opposed the submissions raised by the learned counsel for the petitioner and submitted that the petitioner was duly served a notice to appear on the date fixed.

The matter is continuously lingered on from 2014. To balance the equity between the parties, the order dated 21.04.2023 is set aside at a cost of Rs.10,000/- deposited by the petitioner with Respondent No.1 within a period of ten days' from today.

The Respondent No.1 shall proceed and decide the recall application of the petitioner again in accordance with law after hearing the parties concerned within a period of four weeks without granting unnecessary adjournment to either of the parties. If required, the Information Commission shall proceed day-to-day basis.

With the aforesaid observations, the writ petition is disposed of."

4. In furtherance of the said order, petitioner approached the State Information Commission on 26.09.2023 seeking manner in which an amount of Rs.10,000/- can be deposited. The Commission duly informed the petitioner by its communication dated 09.10.2023 and thus, petitioner deposited the amount on 11.10.2023. Even thereafter, petitioner did not file his recall application/objection/explanation before the State Information Commission and, thus, the Commission on 16.10.2023 closed the matter. In the said order, the Commission has specifically noted that petitioner has still not given any explanation with regard to his conduct. Thus, it has maintained its earlier order. Now, counsel for petitioner submits that petitioner did not get sufficient time to file his recall application/objection or explanation before the Commission.

5. This Court has specifically provided in the order dated 18.09.2023 that the matter shall be concluded by the Commission within a period of four weeks. Petitioner was well aware that he has to file his recall application/objection/explanation before that. Knowing the said fact fully petitioner did not submit his reply before the State Information Commission. Hence, the lacunae is on part of petitioner.

6. In view thereof, no case for interference is made out.

7. The writ petition is **dismissed**.

Order Date :- 13.12.2023

Arti/-

[Manish Kumar,J.]

[Vivek Chaudhary,J.]