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Item No. 5

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 927 of 2021

Manipur University of Culture

Petitioner

Vs.

Manipur Information Commission & anr.

Respondents

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

24.09.2024

Heard Mr. Kh. Tomba, learned counsel appearing for the petitioner; Mr. K. Roshan, learned counsel appearing for respondent No. 1.

None appeared for respondent No. 2, despite service of notice.

The present petition has been filed assailing the order dated 27.11.2021 passed by the State Chief Information Officer, Manipur Information Commission in Appeal Case No. 46 of 2021 filed by the respondent No. 2. The specific grievance raised by the petitioner against the order is that by the said impugned order, the State Chief Information Officer has directed the present petitioner to provide complete and all disclosable information to the applicant/respondent No. 2 herein "free of charge" before the next date of hearing.

It has been submitted by the learned counsel appearing for the petitioner that the State Chief Information Officer has exempted the fees for providing the information as prescribed under the provision of Right to Information Act, 2005 without any authority of law and as such, the direction given by the State Chief Information Officer to provide all disclosable information "free of charge" needs to be set-aside. The learned counsel further submitted that the petitioner is willing to provide all disclosable information to the applicant/respondent No. 2 herein as and when the applicant/respondent No. 2 deposited the required fees for providing such information.

Mr. K. Roshan, learned counsel appearing for respondent No. 1, submitted that under Section 7(6) of the Right to information Act, 2005, it is provided that the person making request for information shall be provided the information free of charge where the public authority fails to comply with the time limits specified in sub-section (1) of Section 7 of the Right to information Act and as such, there is nothing wrong in passing the impugned order specially when such information was not furnished by the petitioner within the prescribed period of 30(thirty) days.

In the present case, an application was filed by the applicant/respondent No. 2 herein on 11.03.2021 to the Public Information Officer, Manipur University of Culture for providing certain information. As some of the information sought for by the applicant

contain documents running to some pages, the petitioner, wrote a letter dated 03.04.2021 to the applicant for depositing the required fees for furnishing such information and that the said letter was dispatched on 09.03.2021. Such factum is also clearly recorded by the State Chief Information Officer in the impugned order dated 27.11.2021.

In view of the above, there is no dispute with regard to the fact that the letter from the petitioner addressed to the applicant/respondent No. 2 herein requesting for depositing the fee for providing the information was dispatched well within 30(thirty) days.

Under Section 7(3) sub-clause (a), it is, inter alia, provided that the period intervening between the dispatch of intimation for required fees and payment of such fees by the applicant shall be excluded for the purpose of calculating the period of 30(thirty) days referred to in the said Section.

In view of the above provision of law, it is crystal clear that the intimation from the present petitioner to the applicant/respondent No. 1 herein about the required fees to be deposited for furnishing the required information was dispatched well within 30(thirty) days and as such, this Court is of the considered view that the State Chief Information Officer, Manipur Information Commission has overlooked this factum and erroneously passed the impugned order dated 27.11.2021 exempting the payment of required fees for providing all disclosable information to the applicant. Accordingly,

the impugned order dated 27.11.2021 passed by the State Chief Information Officer, Manipur Information Commission, is hereby interfered with only to the extent of exemption of payable fees for providing the information sought for by the applicant/respondent No. 2 herein.

With the aforesaid direction, the present petition is disposed of.

Indrajeet

JUDGE