

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.51 of 2026

Sri Rajesh Das, S/O Late Rebati Mohan Das, resident of Netaji Palli, P.O. Belonia, District- South Tripura, Pin- 799155

.....Petitioner(s);

Versus

1. Tripura Information Commission represented by its Secretary, Pt. Nehru Complex, Gurkhabasti, Agartala, District- West Tripura, P.O- Kunjaban, Pin- 799006
 2. The Society for Tripura Medical College and DR. BRAM Teaching Hospital, represented by Member Secretary, Hapania, P.O. ONGC, District- West Tripura
 3. The Chairman, Society for Tripura Medical College and DR. BRAM Teaching Hospital, Hapania, P.O- ONGC, District- West Tripura
 4. The Chief Executive Officer, Society for Tripura Medical College and DR. BRAM Teaching Hospital, Hapania, P.O. ONGC, District- West Tripura
 5. The General Manager (H & R), Society for Tripura Medical College and DR. BRAM Teaching Hospital, Hapania, P.O. ONGC, District- West Tripura
- Respondent(s)

For Petitioner(s) : Mr. Dulal Chandra Saha, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, Sr. Advocate,
Mr. Agniva Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

10/02/2026

This Writ Petition is filed by the petitioner contending that he had sought certain information through applications dt.01.11.2019 and 02.11.2019 from the SPIO of the Society for Tripura Medical College and Dr. BRAM Teaching Hospital, Hapania, but they had not supplied the information under the Right to Information Act, 2005 ["the Act", *for short*] to him on the specious ground that the said Society is a private organization.

2. Thereafter, he had filed a Complaint No.10/2020-21 under Section 18 of the Act before the Tripura Information Commission, to direct the said

Society to appoint SPIO and First Appellate Authority under the Act, and thereafter the Society did appoint an SPIO and First Appellate Authority under the Act.

3. But the complaint of the petitioner in TIC No.10/2021 is still continuing to be pending before the Tripura Information Commissioner, and the information sought by him, has not been furnished in spite of the pendency of the RTI requests dt.01.11.2019 and 02.11.2019 by the Society concerned.

4. The record reveals that in the order dt.25.03.2017 in Complaint No.TIC-19 of 2016-17 filed by a third party against the same Society, the plea of the Society that it is not a “public authority” as defined in Section 2(h) of the Act was in fact rejected, and the said Society was held to be a “public authority” covered by the said Act, and a direction was given to the Society to nominate an SPIO and a First Appellate Authority under the Act, and a further direction was also given that on such appointment, the SPIO so nominated, shall dispose of the RTI application of the said third party as per the provisions of the Act.

5. It appears that the Society challenged it in CRP No.106/2017, but then withdrew the said Revision, which was disposed of on 15.05.2018 as infructuous.

6. To the complaint made by the petitioner herein to the Tripura Information Commission on 22.09.2020, on 06.11.2020 the said Commission had directed the Society to appoint SPIO/First Appellate Authority to deal with RTI matters, and also to respond the RTI requests of the petitioner.

7. The petitioner had then approached the Society on 09.11.2020 with a copy of the said order.

8. Thereafter, the Tripura Information Commission passed an order on 24.02.2021 giving opportunity to the Society to file an affidavit to state that it is not a “public authority”.

9. Thereafter, the matter continues to be pending with the Information Commission. Therefore, the petitioner was forced to approach this Court.

10. In the Counter Affidavit filed by the Society to this Writ Petition, the Society again sought to re-agitate the issue that it is not a “public authority” in spite of the previous order passed by the Tripura Information Commission on 25.03.2017, which order is still subsisting.

11. A plea was taken that the Society does not fall within the purview of the Act, and it does not satisfy the definition of “public authority” under Section 2(h) of the Act.

12. It also stated that the Society had wound up the RTI Cell in the beginning of 2018, as it did not fall under the purview of the Act.

13. After perusing the Counter Affidavit, a direction was given on 04.02.2026 to respondents No.2 to 5 to place on record the lease deed pursuant to which, land in occupation of the Society was given on lease to the Society by the State Government.

14. Thereafter through an affidavit, the lease deed dt.08.02.2022 executed by the Governor of Tripura in favour of the said Society has been placed on record.

15. It indicates that a lease for a period of thirty years has been granted subject to subsequent review on a token premium of Rs.1/-.

16. The Supreme Court in the judgment dt.17.09.2019 in Civil Appeal No.9828/2013 in the case of *D.A.V College Trust and Management Society and Others v. Director of Public Instructions and Others* held at para 26 as under:

“26. In our view, ‘substantial’ means a large portion. It does not necessarily have to mean a major portion or more than 50%. No hard and fast rule can be laid down in this regard. Substantial financing can be both direct or indirect. To give an example, if a land in a city is given free of cost or on heavy discount to hospitals, educational institutions or such other body, this in itself could also be substantial financing. They very establishment of such an institution, if it is dependent on the largesse of the State in getting the land at a cheap price, would mean that it is substantially financed. Merely because financial contribution of the State comes down during the actual funding, will not by itself mean that the indirect finance given is not to be taken into consideration. The value of the land will have to be evaluated not only on the date of allotment but even on the date when the question arises as to whether the said body or NGO is substantially financed.”

[emphasized supplied]

17. Thus, the Supreme Court in the said case had held that there could be indirect financing by the State, and gave the illustration of land in a city being given free of cost, or on heavy discount to hospitals, educational institutions or other bodies, and held that that itself would be substantial financing.

18. This judgment is binding on this Court as well as on the respondents No.2 to 5.

19. Therefore, we reject the stand taken by respondents No.2 to 5 that they do not fall within the purview of the definition of the term “public authority” under Section 2(h) of the Act, not only on the basis of the Supreme Court judgment referred to supra, but also on the basis of the order passed by the Tripura Information Commission on 25.03.2017 taking a similar view in Complaint No.TIC-19 of 2016-17.

20. So for aforesaid reasons, the Writ Petition is allowed.

21. Respondents No.2 to 5 are forthwith directed to create an RTI Cell, as they fall within the purview of the term “public authority” under Section 2(h) of the Act.

22. This exercise shall be completed within two weeks from today. The said officer so appointed as SPIO, shall dispose of the applications filed by the petitioner on 01.11.2019 and 02.11.2019 within four weeks of his taking office. The complaint of petitioner pending with the Tripura State Information Commission shall stand disposed of.

23. The respondents No.2 to 5 shall also pay cost of Rs.50,000/- (rupees fifty thousand) only to the High Court Legal Services Committee, High Court of Tripura, Agartala within four weeks for attempting to mislead the Court in spite of the settled legal position.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

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