



2026:CGHC:25392

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2392 of 2022

1 - Tripti Jangde, W/o Sri Suresh Jangde, Aged About 42 Years R/o C- 102, Shivam Heights Apartments, Kalpana Vihar, Nehru Nagar, Bilaspur Chhattisgarh.

--- Petitioner(s)

versus

1 - Chhattisgarh State Information Commission, Through Its Secretary, Sector-19, North Block, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

2 - M L Verma, R/o J-4, Shatabdi Nagar, Telibandha, Post Office - Ravigram, District - Raipur Chhattisgarh

3 - Superintendent Engineer, Chhattisgarh State Power Distribution Company Limited, Bilaspur, District Bilaspur Chhattisgarh.

--- Respondent(s)

WPC No. 2394 of 2022

1 - Tripti Jangde, W/o Sri Suresh Jangde, Aged About 42 Years R/o C-102, Shivam Heights Apartments, Kalpana Vihar, Nehru Nagar, Bilaspur Chhattisgarh

---Petitioner(s)

Versus

1 - Chhattisgarh State Information Commission, Through Its Secretary, Sector- 19, North Block, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

2 - M L Verma, R/o J-4, Shatabdi Nagar, Telibandha, Post Office - Ravigram, District - Raipur Chhattisgarh.

3 - Superintendent Engineer, Chhattisgarh State Power Distribution Company Limited, Bilaspur, District Bilaspur Chhattisgarh,

--- Respondent(s)

For Petitioner(s)	: Shri Siddhant Das appears on behalf of Shri Gary Mukhopadhyay, Advocates.
For Respondent No.1	: Shri Shayam Sunder Lal Tekchandani, Advocate.
For Respondent No.2	: Shri ML Verma, Respondent No.2 – in – person.
For Respondent No.3	: Shri Krishna Tandon, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

22/06/2026

1. Since common question of law and facts is involved in both the Writ Petitions, they have been clubbed together and are being disposed of by this common order.
2. WPC No.2392 of 2022 has been filed against the order dated 06.03.2020 passed in Second Appeal No.A/405/2018 whereby, the Chhattisgarh State Information Commission, Raipur has imposed maximum penalty of Rs.25,000/- on the petitioner/Public Information Officer for not providing the information sought under the RTI Act to Respondent No.2 on time.
3. WPC No.2394 of 2022 has been filed against the order dated 06.03.2020 passed in Second Appeal No.A/407/2018 whereby, the Chhattisgarh State Information Commission, Raipur has imposed maximum penalty of Rs.25,000/- on the petitioner/PIO for not providing information sought under the RTI Act to Respondent No.2 on time.
4. For the purposes of disposal, facts pleaded in WPC No.2392 of 2022

is being referred to. The petitioner was working as Assistant Engineer in the office of Executive Engineer, (Operations and Maintenance) Division, Bilaspur, at the relevant point of time. She was also the Public Information Officer. It is submitted that the Respondent No. 2, moved an application under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act"), seeking information with respect to Case No. LT-12/ 201(Smt. Premvati Verma v. CSPDCL,), case No.ST-12/2017 (in WPC No.2394/2022) pending before the Electricity Consumer Grievance Redressal Forum, Bilaspur. It is submitted that since the petitioner was posted in the Operations and Maintenance Division Office and she was competent to provide information with regard to that office only and since the information sought was related to the Office of Junior Engineer (Distribution Centre), Sakri, the petitioner vide her letter dated 07.11.2017, forwarded the application of the Respondent No. 2 to the Junior Engineer (Distribution Centre), Sakri. The petitioner also marked a copy of the said letter to Assistant Engineer (Rural), Tifra, since the said Junior Engineer was not subordinate to her but was subordinate to the Assistant Engineer (Rural), Tifra. It is submitted that the concerned Public Information Officer cum Junior Engineer (Distribution Centre), Sakri, did not provide the requisite information to the Respondent No.2 within the stipulated time. Being aggrieved, Respondent No.2 preferred First Appeal on 11.12.2017, before the First Appellate Authority cum

Executive Engineer (Operations and Maintenance) Division Bilaspur. It is submitted that on 14.12.2017, the proceedings of the Appeal was drawn, wherein the petitioner, Shri Bhupesh Sahu (Public Information Officer cum Junior Engineer, Sakri), as well as Shri Dilip Kumar Sarkar (Assistant Public Information Officer, Office of Executive Engineer), were present. The Respondent No.-2 chose not to appear. The First Appellate Authority, after hearing the petitioner, as well as Shri Bhupesh Sahu (Junior Engineer, Sakri), directed the Public Information Officer cum Junior Engineer, Sakri to immediately provide the information sought by the Respondent No. 2. It is submitted that Public Information Officer cum Junior Engineer, Sakri, vide his letter dated 14.12.2017, provided the information sought to the First Appellate Authority as well as to the Respondent No. 2. It is further submitted that even the First Appellate Authority, vide its letter dated 04.01.2018, provided the information sought to the Respondent No. 2. It is pertinent to mention here that the First Appellate Authority had not passed any adverse order against the petitioner. Respondent No. 2, being aggrieved by the information received by him and by the order passed by the First Appellate Authority, preferred a Second Appeal before the Respondent No. 1 on 15.01.2018. Respondent No. 1, in its proceeding dated 18.06.2019, directed the present Public Information Officer to provide the information to the Appellant/ Respondent No. 2 within a period of 30 days. The Respondent No. 1 further observed

that the petitioner is presently posted as Assistant Engineer, Division Office, City Division-2, Bilaspur, and thus directed Executive Engineer, City Division-2, to issue a Show Cause Notice under Section 20 (1) of the Right to Information Act, 2005 as to why she should not be imposed with a penalty of Rs 25000/-. It is pertinent to mention here that copy of the order dated 18.06.2019 was marked to the petitioner as well and she was directed to appear before the Respondent No. 1 through video conference 06.03.2020. The petitioner, through her letter dated 06.03.2020, submitted her reply before the Respondent No. 1 which was sent to the Staff Officer of the Respondent No, 1 via e-mail. After receiving the reply from the petitioner, the Respondent No. 1 passed the impugned order dated 06.03.2020. It is submitted that from the perusal of the impugned order, it is crystal clear that the petitioner's reply was received by the Respondent No. 1, on 09.03.2020. It is submitted that the Respondent No. 1 in its order dated 06.03.2020 has reproduced the reply of the petitioner. Respondent No. 1 has accepted that the petitioner was not the responsible Public Information Officer who could provide necessary information sought by the Respondent No. 2. The Respondent No. 1 has also accepted that the petitioner had forwarded the application of Respondent No. 2 to the concerned Public Information Officer as well as to his higher official for compliance. In spite of this, the Respondent No. 1 has not considered the action of the petitioner to be sufficient

compliance of her duties. The Respondent No. 1 has imposed penalty of Rs. 25000/- on the petitioner simply because she has not mentioned about the penalty in her reply/explanation. Hence these petitions.

5. Learned counsel for the petitioner submits that the Petitioner had duly forwarded the RTI application to the concerned PIO under Section 5(4) of the RTI Act. By operation of Section 5(5), the JE/PIO, Sakri, became the deemed PIO for all purposes, including liability for contraventions. The Respondent No. 1 erred in holding the Petitioner responsible despite acknowledging these facts. The impugned order is ante-dated and was passed before the receipt of the Petitioner's reply, thereby violating the principles of natural justice. The Respondent No. 1 could not have considered the Petitioner's reply dated 06.03.2020 (received on 09.03.2020) while passing an order bearing the same date. The Petitioner was never issued a Show Cause Notice by her employer (Respondent No. 3) as directed by Respondent No. 1 in its order dated 18.06.2019. Therefore, the Petitioner had no occasion to address the issue of penalty in her reply. Imposing a penalty on that account is wholly arbitrary. The information sought by Respondent No. 2 was ultimately provided both by the JE/PIO, Sakri and by the First Appellate Authority. Respondent No. 1 grossly erred in imposing penalty despite the fact that Respondent No. 2 had been furnished with the information. He submits that none of the circumstances enumerated under Section 20(1) of the RTI Act-i.e., refusal to receive

application, failure to furnish information in time, malafide denial, providing incorrect/misleading information, destroying information, or obstructing furnishing of information are attracted in the case of the Petitioner. The penalty is therefore without jurisdiction and illegal. The First Appellate Authority had not passed any adverse order against the Petitioner and there was no non-compliance by the Petitioner of any direction. The impugned order is therefore illegal, arbitrary and liable to be set aside.

6. Learned counsel for Respondent No.1 submits that simply directing a subordinate does not discharge the petitioner of their statutory duty. He submits that by failing to monitor the compliance, the petitioner demonstrated slackness in the discharge of his duties. No satisfactory justification was provided for the delay, as such, the maximum penalty was imposed. Considering the backdrop, he submits that the impugned orders are well merited and does not call for any interference by this Court.
7. Respondent No.2 who appears in person submits that information was not supplied to him as per the prescribed time limit under the RTI Act, therefore, the erred officer is liable for imposition of penalty.
8. Learned counsel for Respondent No.3 submits that they are formal party and no relief is sought against them.
9. Having heard learned counsel for the parties and having perused the record, it appears that the information seeker/Respondent No.2 has

filed an application for getting information under the RTI Act in respect of complaint cases filed under Section 135 of the Electricity Act.

10. In WPC No.2392 of 2022, the information seeker vide his RTI application dated 30.10.2017 sought the status of case No.LT-12/2017 pending before the Special Court, Bilaspur.

11. In WPC No.2394 of 2022, the information seeker vide his RTI application dated 30.10.2017 sought information related to Case No.LT-12/2017 thereby seeking information regarding the action taken against the guilty Officer/employee/Meter Reader.

12. The petitioner who was working as Assistant Engineer in the office of Executive Engineer, (Operations and Maintenance) Division Bilaspur was also the PIO. She directed the Junior Engineer (Distribution Centre) Sakri vide communication dated 07.11.2017 to send the information which was sought by the information seeker within prescribed time and to inform her regarding the same. Copy of the RTI application of Respondent No.2 was also sent to the said Officer. When Respondent No.2 could not receive any information within the stipulated time, he filed first appeal, the first appellate authority directed appearance of the petitioner as well as other authorities including the appellant/Respondent No.2 herein to appear before him on 14.12.2017 at 11:30 am. The petitioner stated that vide her letter dated 07.11.2017 she had directed Junior Engineer Sakri (Distribution Centre) to furnish relevant information to Respondent No.2. On the

other hand, Junior Engineer Sakri (Distribution Centre) stated that since his training program organized by PSSC Delhi at Raipur Headquarters from 08.11.2017 to 30.12.2017, compliance of letter dated 07.11.2017 could not be done. The first appellate authority cum Executive Engineer (O & M) Division Bilaspur directed the PIO i.e. Junior Engineer Sakri (Distribution Centre) to provide the information to Respondent No.2 free of cost. Thereafter, respondent No.2 preferred a Second Appeal being aggrieved by the fact that the PIO has failed to supply the information within prescribed time provided under the RTI Act. The second appellate authority vide its order dated 18.06.2019 issued show cause notice against the petitioner as to why maximum penalty of Rs.25,000/- be not imposed upon her. Thereafter, vide impugned orders, the second appellate authority imposed penalty of Rs.25,000/- upon the petitioner in both the cases.

13. From perusal of the impugned order, it appears that so far as present petitioner is concerned, she has acted bonafidely and has without any delay informed the PIO i.e. Junior Engineer to furnish the information within prescribed time, as such, it cannot be said that any malafide or dilly dallying approach has been adopted by the petitioner in response to the RTI application of the Respondent No.2.

14. Further, in a case on the point, the division Bench of this Court in the matter of **Nitin Singhvi v. Chhattisgarh State Information Commission** (WA No.215/2020 decided on 12.06.2023) has elaborately examined

the scope and ambit of imposition of penalty under Section 20(1) of the RTI Act. The Division Bench has held that the power to impose penalty is not automatic or mechanical, but is conditioned upon the existence of cogent material demonstrating that the Public Information Officer has, without reasonable cause, either refused to furnish information, caused undue delay, or acted in a malafide manner. It has been further held that mere delay or inability to furnish certain information, particularly when such information is not available on record or lies with another authority, would not ipso facto attract penal consequences. The Court has emphasized that before imposing penalty, the Information Commission is under a statutory obligation to record a clear and reasoned finding with respect to the existence of malafide intent or lack of reasonable cause, and must also afford an effective opportunity of hearing to the concerned officer. The burden cast upon the Public Information Officer under the proviso to Section 20(1) is to establish that he acted reasonably and diligently; however, once such explanation is furnished and remains uncontroverted, the Commission cannot proceed to impose penalty in a routine manner.

15. Significantly, there is no material on record to establish that the petitioner had acted with any mala fide intention, deliberately withheld the information, obstructed its disclosure, or otherwise adopted a recalcitrant attitude in processing the RTI application. On the contrary, the conduct of the petitioner demonstrates bona fide compliance with

her statutory obligations. Furthermore, the information seeker has admittedly received the information sought by him.

16. The power to impose penalty under Section 20(1) of the Right to Information Act, 2005 is not intended to be exercised mechanically or as a matter of course. The provision contemplates the existence of circumstances indicating that the Public Information Officer, without reasonable cause, refused to receive an application, failed to furnish information within the prescribed time, malafidely denied the request for information, knowingly furnished incorrect, incomplete or misleading information, destroyed information, or obstructed the furnishing of information in any manner.

17. Applying the aforesaid principles to the facts of the present case, this Court finds that the State Information Commission failed to record any finding demonstrating mala fide conduct or deliberate negligence on the part of the petitioner. Even while acknowledging that the petitioner had forwarded the RTI application to the concerned officer for necessary action, the Commission proceeded to impose the maximum penalty of Rs.25,000/- upon her. Such an approach is contrary to the scheme and object of Section 20(1) of the Act.

18. Accordingly, this Court holds that the impugned orders dated 06.03.2020 imposing penalty of Rs.25,000/- upon the petitioner in Second Appeal No.A/405/2018 and Second Appeal No.A/407/2018 are unsustainable in law and deserve to be set aside.

19. Consequently, both the writ petitions succeed and are hereby allowed. The impugned orders dated 06.03.2020 passed by the Chhattisgarh State Information Commission, Raipur, imposing penalty upon the petitioner are quashed. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash