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UTTEJ KUMAR
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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3461 of 2022**

1 - Stylo Mandavi D/o Late B.L. Mandavi Aged About 41 Years Presently Working As Divisional Forest Officer, Forest Division, Raigarh, District- Raigarh, Chhattisgarh.

--- Petitioner**versus**

1 - Chhattisgarh State Information Commission Through The Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur, Chhattisgarh.

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbaug Housing Board Colony, Jagdalpur, District- Bastar, Chhattisgarh.

--- Respondents

WPC No. 3678 of 2022

1 - Stylo Mandavi D/o Late B.L. Mandavi Aged About 41 Years
Presently Working As Divisional Forest Officer, Forest Division Raigarh,
Dist. Raigarh Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Commission, Through
The Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur
Chhattisgarh

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block 1, Lalbaug
Housing Board Colony, Jagdalpur Dist. Bastar Chhattisgarh

--- **Respondents**

WPC No. 5885 of 2022

1 - Stylo Mandavi D/o Late B. L. Mandavi Aged About 41 Years
Presently Working As Divisional Forest Officer, Forest Division Raigarh,
District : Raigarh, Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur,
Chhattisgarh

2 - Shri Rupesh Kumar Jain R/o Main Road, Sadar Ward No. 10,
Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

--- **Respondents**

WPC No. 5351 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently Working As Divisional Forest Officer, Forest Division - Raigarh, District - Raigarh Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission, Through - The Commissioner, Sector-19, North Block, Atal Nagar, Nawa Raipur Chhattisgarh

2 - Shri Sharad Singh R/o. Flat Number 17, 18, Block-1, Lalbaug Housing Board Colony, Jagdalpur, District - Bastar Chhattisgarh

--- **Respondents**

WPC No. 5365 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently Working As Divisional Forest Officer, Forest Division - Raigarh, District Raigarh Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission, Through - The Commissioner, Sector - 19, North Block, Atal Nagar, Nawa Raipur Chhattisgarh

2 - Shri Sharad Singh R/o. Flat Number 17, 18, Blcok-1, Lalbaug Housing Board Colony, Jagdalpur, District - Bastar Chhattisgarh

--- Respondents

WPC No. 1991 of 2022

1 - Devendra Singh Verma S/o Late R S Verma Aged About 55 Years
Presently Working As Forest Range Officer, Forest Range Jagdalpur,
District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---Petitioner

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur,
Chhattisgarh, District : Raipur, Chhattisgarh

2 - Kshitij Pandey S/o Not Known To The Petitioner, R/o D.P.S. School
Road, Kalipur, Jagdalpur, District Bastar, Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh

--- Respondents

WPC No. 5884 of 2022

1 - Stylo Mandavi D/o. Late B L Mandavi Aged About 41 Years
Presently Working As Divisional Forest Officer, Forest Division,
Raigarh, District Raigarh (C.G.)

---Petitioner

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector-19, North Block, Atal Nagar, Nawa Raipur (C.G.)

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbaug
Housing Board Colony, Jagdalpur, District Bastar (C.G.)

--- **Respondents**

WPC No. 3664 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently
Working As Divisional Forest Officer, Forest Division Raigarh, District
Raigarh, Chhattisgarh.

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur,
Chhattisgarh.

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbaug
Housing Board Colony, Jagdalpur, District Bastar, Chhattisgarh.

--- **Respondents**

WPC No. 3660 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently
Working As Divisional Forest Officer, Forest Division Raigarh, District
Raigarh Chhattisgarh.

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through- The Commissioner, Sector-19, North Block, Atal Nagar, Nawa Raipur Chhattisgarh.

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbaug Housing Board Colony, Jagdalpur, District Bastar Chhattisgarh.

--- **Respondents**

WPC No. 5089 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently Working As Divisional Forest Officer, Forest Division Raigarh District Raigarh Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through The Commissioner, Sector 19, North Block, Atal Nagar, Nawa Raipur Chhattisgarh

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbag Housing Board Colony, Jagdalpur, District Baster Chhattisgarh

--- **Respondents**

WPC No. 5111 of 2022

1 - Stylo Mandavi D/o Late B L Mandavi Aged About 41 Years Presently Working As Divisional Forest Officer, Forest Division Raigarh, Dist. Raigarh (C.G.)

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector - 19, North Block, Atal Nagar, Nawa Raipur
(C.G.)

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block - 01, Lalbaug
Housing Board Colony, Jagdalpur, Dist. - Bastar (C.G.)

--- **Respondents**

WPC No. 5878 of 2022

1 - Stylo Mandavi D/o Late B. L. Mandavi Aged About 41 Years
Presently Working As Divisional Forest Officer, Forest Division Raigarh,
District : Raigarh, Chhattisgarh

---**Petitioner**

Versus

1 - Chhattisgarh State Information Commission Through The
Commissioner, Sector-19, North Block, Atal Nagar, Nawa Raipur,
District : Raipur, Chhattisgarh

2 - Shri Sharad Singh R/o Flat Number 17, 18, Block-1, Lalbaug
Housing Board Colony, Jagdalpur, District : Bastar(Jagdalpur),
Chhattisgarh

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	:	Mr. N. Naha Roy, Advocate.
For Respondent/Chhattisgarh	:	Mr. S.S. Tekchandani, Advocate.
State Information Commission		
For Respective Respondents	:	Mr. Shubhankar Singh, Advocate
		on behalf of Mr. Manish Nigam,

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****05/08/2026**

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are disposed of by this common order.
2. For the sake of convenience, Writ Petition (C) No. 5089 of 2022 is treated as the lead case for the purpose of disposing all the writ petitions. The petitioner in the said writ petition has prayed for the following reliefs :-

10.1 Issue an appropriate writ and set aside the order dated 12.08.2022 communicated to the petitioner through letter dated 11.10.2022 (Annexure P/1), whereby the respondent No. 1 has passed final orders in the matter thereby imposing maximum penalty to the tune of Rs. 25,000/- in a most arbitrary and illegal manner, as explained hereinabove.

10.2 Grant any other relief, which is deemed fit in the circumstances of the case.”

3. Brief facts of the case as adumbrated by the petitioner is that the petitioner, while serving in the capacity mentioned in the cause title, received an application dated 22.02.2021 from respondent No. 2 under the Right to Information Act, 2005, seeking a certified copy of the Cheque Drawn Register of the Forest Department, District Bastar, for the tenure of Shri Mohammad Shahid, then

Chief Conservator of Forests, Jagdalpur. By a reasoned reply dated 17.03.2021, the petitioner informed respondent No. 2 that he had already submitted multiple RTI applications, the information sought was voluminous and not readily accessible within the statutory period of 30 days, and that the request did not involve any larger public interest. The petitioner, therefore, requested respondent No. 2 to indicate his priority among the pending applications. The first appeal preferred by respondent No. 2 was dismissed by the Appellate Authority on 22.07.2021, holding that the information sought was not specific and that the Cheque Drawn Register was exempt from disclosure under Section 8(1)(d) of the Act. Aggrieved thereby, respondent No. 2 preferred a second appeal before the Chhattisgarh State Information Commission. During the first hearing of the second appeal on 16.03.2022, the State Information Commission passed an *ex parte* order directing the petitioner to furnish the requested information within 30 days, issued a show cause notice proposing action under Sections 20(1) and 20(2) of the Act, and warned of further *ex parte* proceedings in case of non-compliance. Challenging the said order, the petitioner preferred W.P.(C) No. 3461 of 2022 before this Court, wherein interim protection was granted on 08.08.2022. The petitioner alleges that, despite the subsistence of the interim order, the State Information Commission proceeded to pass the final order dated 12.08.2022 imposing a penalty of Rs. 25,000/-, which was communicated on

11.10.2022. Aggrieved by the said action, the petitioner has preferred the present writ petition challenging the orders passed by the Commission.

4. Learned counsel for the petitioner submitted that the impugned order dated 12.08.2022 imposing the maximum penalty under Section 20(1) of the Right to Information Act, 2005 is wholly arbitrary, illegal and unsustainable, as it was passed without affording the petitioner a reasonable opportunity of hearing as mandated under Sections 19(5) and 20(1) of the Act and Rule 4(4) of the Chhattisgarh Right to Information (Appeal) Rules, 2006. It was contended that the order entails serious civil consequences and, therefore, could not have been passed in violation of the principles of natural justice, particularly the rule of *audi alteram partem*. Reliance was placed on the decisions of the Supreme Court in *Swadeshi Cotton Mills v. Union of India* and *State of Orissa v. Dr. (Miss) Binapani Dei* to contend that any order having adverse civil consequences must be preceded by a fair opportunity of hearing. It was further submitted that the State Information Commission failed to appreciate that the information sought was vague and exempt from disclosure under Section 8(1)(d) of the Act, besides its disclosure being impracticable in view of Section 7(9) of the Act as it would disproportionately divert the resources of the public authority. Learned counsel also contended that the Commission acted in disregard of the interim order dated 08.08.2022 passed by this Court in W.P.(C) No. 3461

of 2022 by proceeding to pass the final order dated 12.08.2022 imposing the maximum penalty. It was, therefore, urged that the impugned order, being contrary to the statutory provisions of the RTI Act, 2005, the applicable Rules, and the principles of natural justice, deserves to be set aside.

5. Learned counsel appearing for the respondent—Chhattisgarh State Information Commission supported the impugned order and submitted that the same was passed in exercise of the statutory powers conferred upon the Commission under the Right to Information Act, 2005. It was contended that the petitioner, being the Public Information Officer, had failed to furnish the information sought without any justifiable cause, despite the directions issued by the Commission. According to the respondent, the information sought did not fall within the exempted category under Section 8(1)(d) of the Act, nor could the petitioner legitimately invoke Section 7(9) to deny disclosure of information. It was further submitted that the penalty imposed under Section 20(1) of the Act was based on the petitioner's failure to discharge her statutory obligations and was in accordance with the scheme of the Act. He further submits that the petitioner was afforded adequate opportunity during the proceedings before the Commission and that the impugned order does not suffer from any violation of the principles of natural justice. It was also contended that the order dated 12.08.2022 was passed in accordance with law and does not amount to deliberate disobedience of the interim order

passed by this Court. On the aforesaid grounds, it was prayed that the writ petition, being devoid of merit, deserves to be dismissed.

6. Learned counsel appearing for respondent No. 2, being the information seeker, supported the impugned order and submitted that the information sought relates to the functioning of a public authority and expenditure of public funds, and therefore, the same is liable to be disclosed under the provisions of the Right to Information Act, 2005. It was contended that the petitioner, being the Public Information Officer, had failed to discharge the statutory obligation cast upon her under the Act by refusing to furnish the information on untenable grounds. It was further submitted that the objections raised by the petitioner regarding Section 8(1)(d) and Section 7(9) of the Act are misconceived, as no valid material was placed to establish that disclosure of the information would cause any prejudice or fall within the exempted category. He next submits that the order passed by the State Information Commission is in accordance with law and does not call for any interference by this Court. Accordingly, it was prayed that the writ petition be dismissed.
7. Heard learned counsel for the parties and perused the material available on record with utmost circumspection.
8. Considering the facts and circumstances of the case, this Court finds that in view of Section 8(1)(d) of the Right to Information

Act, 2005, the Cheque Drawn Register could not have been directed to be disclosed, as it contains information including commercial confidence and trade secrets, the disclosure of which is likely to harm the competitive position of a third party. Respondent No. 2 has miserably failed to establish that any larger public interest warranted disclosure of such information so as to override the exemption available under Section 8(1)(d) of the Act.

9. More importantly, the record further demonstrates that before imposing penalty under Section 20(1) of the Right to Information Act, 2005, no separate show-cause notice proposing imposition of penalty, as contemplated under the first proviso to Section 20(1) of the Act, was issued to the petitioner. The Commission proceeded to impose penalty without first arriving at a *prima facie* satisfaction regarding the petitioner's liability and thereafter affording a reasonable opportunity of hearing specifically on the question of penalty. Such a course is contrary to the mandatory procedure prescribed under the statute.
10. A plain reading of Section 20(1) of the Right to Information Act, 2005 makes it evident that before imposing penalty upon a Public Information Officer, the Commission must first record a finding that the Public Information Officer, without any reasonable cause, refused to receive the application, failed to furnish information within the period prescribed under Section 7(1), mala fide

denied the request for information, knowingly furnished incorrect, incomplete or misleading information, destroyed the requested information or otherwise obstructed the furnishing of information. The first proviso to Section 20(1) further mandates that no penalty shall be imposed without giving the concerned Public Information Officer a reasonable opportunity of being heard. Thus, the Commission is required to first form a prima facie opinion regarding the liability of the Public Information Officer and thereafter issue a notice proposing imposition of penalty before passing any penal order.

11. Therefore, the statutory scheme contemplates not merely issuance of notice in the appeal proceedings but also a distinct and meaningful opportunity of hearing before imposing penalty under Section 20(1) of the Act. The mandatory requirement having not been complied with in the present case, the impugned order imposing penalty upon the petitioner cannot be sustained in law.
12. The Hon'ble Supreme Court in ***Manohar S/o Manikrao Anchule v. State of Maharashtra, (2012) 13 SCC 14***, has held that even in proceedings under Section 20(2) of the Act, where the statute does not expressly provide for an opportunity of hearing, the principles of natural justice are required to be read into the provision, as no person can be condemned unheard.

13. If compliance with the principles of natural justice is mandatory under Section 20(2), the requirement becomes all the more mandatory under Section 20(1), where the first proviso expressly employs the word "**shall**" while requiring that a reasonable opportunity of hearing be afforded before imposing penalty.
14. The aforesaid view is further fortified by the judgment of the **High Court of Delhi in *Sunny Sachdeva v. ACP North RTI Cell and Another*, 2024 SCC OnLine Del 4961**, wherein it has been held that proceedings under Section 20 of the Right to Information Act are supervisory in nature and imposition of penalty is not automatic. The Information Commission is vested with discretion while exercising powers under Section 20(1), and penalty cannot be imposed mechanically, particularly when the information sought has ultimately been furnished.
15. The same principle has been reiterated by the High Court of Judicature at Allahabad in ***Shailesh Kumar Yadav, IPS v. Union of India and Others*, 2026 SCC OnLine All 547**, wherein it has been held that penalty under Section 20 of the Right to Information Act can be imposed only after recording a definite finding that the Public Information Officer acted without reasonable cause or mala fide, and only after complying with the mandatory requirement of affording a reasonable opportunity of hearing. The Court further held that mere negligence or delay

is not sufficient to invoke the penal provisions unless the statutory requirements are strictly fulfilled.

16. It is also relevant to note that the information seeker has sought identical information by filing W.P.(C) No. 3461/2022, W.P.(C) No. 1991/2022, W.P.(C) No. 3660/2022, W.P.(C) No. 3664/2022, W.P.(C) No. 5111/2022, W.P.(C) No. 5351/2022, W.P.(C) No. 5365/2022, W.P.(C) No. 5878/2022, W.P.(C) No. 5884/2022, W.P.(C) No. 5885/2022, W.P.(C) No. 3678/2022 and W.P.(C) No. 5089/2022. The aforesaid conduct of the information seeker also indicates that such applications were not made in a bona fide manner.
17. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the impugned orders passed by the State Information Commission imposing penalty upon the petitioners and directing initiation of disciplinary proceedings cannot be sustained in the eyes of law. The Commission has neither recorded the findings mandated under Section 20(1) of the Act nor complied with the mandatory requirement of issuing a separate show-cause notice and affording a reasonable opportunity of hearing before imposing penalty. Furthermore, the direction for initiation of disciplinary proceedings under Section 20(2) of the Act has also been issued without assigning any cogent or reasonable basis. Consequently, the impugned orders are hereby quashed and set aside.

18. With the aforesaid observations and directions, all the writ petitions stand **allowed**.
19. No order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju