



CGHC010400162022



2026:CGHC:34190

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5517 of 2022

1 - Anita Sidar W/o Sudarshan Sidar Aged About 32 Years Resident Of School Para, Gudshan, Gudahan, Garh-Umaria, District Raigarh Chhattisgarh.

... Petitioner(s)

versus

1 - Chhattisgarh State Information Commission Through State Chief Information Commissioner, Raipur, Chhattisgarh 1st Floor, Indrawati Khand, Shashtri Chowk - Motibagh Chowk Rd, Civil Lines, Raipur Chhattisgarh 492001

2 - State Information Commissioner, 1st Floor, Indrawati Khand Shashtri Chowk - Motibagh Chowk Rod, Civil Lines, Raipur Chhattisgarh 492001

3 - First Appeal Officer, Chief Executive Officer, Janpad Panchayat Pussoore, District Raigarh Chhattisgarh.

4 - Rudreshwar Pradhan S/o Pinglal Pradhan Aged About 45 Years R/o Village Tinmini, P.S. Pusor District Raigarh Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Shri Vaibhav Mittal appears on behalf of Shri Renu Kochar, Advocates.
For Respondent No.1	:	Shri Shayam Sunder Lal Tekchandani, Advocate.
For Respondent No.4	:	Shri Suman Kesari appears on behalf of Shri Amit Sharma, Advocates.
For Respondent No.3	:	Ms. Manju Naik, Advocate.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad
Order On Board

05/08/2026

1. By way of this petition, the petitioner has prayed for the following reliefs:-

“10.1 That this Hon'ble Court may kindly be pleased to call for the records.

10.2 That this Hon'ble Court may kindly be pleased to set aside the

impugned order dated 20.07.2022 passed by Respondent no.2 in the Second appeal case no. A/728/2019/Raigarh (Annexure P/1).

10.3 That this Hon'ble court may be further pleased to pass any other consequential and other orders/ writs which this Hon'ble court deems just and proper in the facts and circumstances of the case."

2. Learned counsel appearing for the petitioner submits that the petitioner is a Government employee and was discharging his official duties in the capacity of the concerned Public Information Officer. He submits that, vide impugned order dated 20.07.2022 passed by the Chhattisgarh State Information Commission in Second Appeal Case No. A/728/2019/Raigarh, the Commission has recorded a finding that the requisite information sought by respondent No. 4 was not furnished without any reasonable cause and, consequently, imposed a penalty of Rs.25,000/- upon the petitioner in exercise of the powers conferred under Section 20(1) of the Right to Information Act, 2005. Learned counsel further submits that the aforesaid finding has been recorded and the penalty has been imposed upon the petitioner without properly considering the facts and circumstances of the case and without affording a reasonable opportunity of hearing to the petitioner, as contemplated under the provisions of the Right to Information Act, 2005. It is contended that the impugned order, insofar as it imposes a penalty of Rs.25,000/- upon the petitioner, is illegal, arbitrary and contrary to the mandatory statutory requirements and, therefore, cannot be sustained in the eyes of law. Being aggrieved by the impugned order dated 20.07.2022, to the extent it holds the petitioner liable for payment of the aforesaid penalty, the petitioner has preferred the present writ petition seeking appropriate relief from this Court.

3. Per contra, learned counsel appearing for the respondents opposes the submissions advanced on behalf of the petitioner and supports the impugned order passed by the Chhattisgarh State Information Commission. He submits that the impugned order has been passed by the competent authority in exercise of the powers conferred under the Right to Information Act, 2005, and, therefore, no case for interference by this Court in exercise of its writ jurisdiction is made out.
4. Having heard learned counsel for the parties and perused the material available on record.
5. On perusal of the impugned order, it appears that, prior to imposing the penalty upon the petitioner, the concerned authority has not complied with the requirement contemplated under Section 20(1) of the Right to Information Act, 2005. The proviso to Section 20(1) of the RTI Act specifically mandates that the concerned Public Information Officer shall be given a reasonable opportunity of being heard before any penalty is imposed upon him. However, in the present case, it appears that no such reasonable opportunity of hearing was afforded to the petitioner before imposition of the penalty of Rs.25,000/-. Thus, the impugned order, to the extent it imposes penalty upon the petitioner, has been passed without complying with the mandatory requirement of Section 20(1) of the RTI Act and, therefore, cannot be sustained in the eyes of law.
6. In view of the aforesaid facts and circumstances of the case and considering the non-compliance with the mandatory requirement contemplated under Section 20(1) of the Right to Information Act, 2005, this Court is inclined to set aside the impugned order dated 20.07.2022 passed by the Chhattisgarh

State Information Commission in Second Appeal Case No.
A/728/2019/Raigarh. Accordingly, the impugned order dated 20.07.2022 is
hereby set aside and in consequence, the writ petition is **allowed**.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash