

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 1030 of 2015**

1. Smt. Bulbul Agrawal W/O Shri Rohit Agrawal Aged About 37 Years Surajmukhi 58 R. K. Nagar Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary Public, Information Mahanadi Bhawan New Raipur (Chhattisgarh)
2. The Sub Public, Information Officer Nagar Panchayat Lailunga Distt. Raigarh (Chhattisgarh)
3. The Public, Information Officer Nagar Panchayat Lailunga Distt. Raigarh (Chhattisgarh)
4. The Chhattisgarh State Information Commission Near Ghadi Chouk Raipur (Chhattisgarh)

----Respondents

For Petitioner	:	In person.
For Respondent 1 /State	:	Shri S.C. Khakharia, Dy. Advocate General on advance copy.

Other respondents not noticed.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**Order on Board****09/12/2015**

1. Heard on admission.
2. The present petitioner prayed that the instant Writ Petition (227) be admitted for hearing and the relief prayed may be granted and the order passed in Second Appeal Case No. A/200/2015 by the State Information Commission, Raipur be set aside. It is submitted on behalf of the petitioner that a reminder was made in this behalf as Annexure P/3 dated 18.11.2014, but the concerned authorities failed to dispose of the same as per provisions of law, hence, the order passed by the

Commissioner is bad in law. The same may be set aside after due hearing.

3. For the purposes of appreciation made in this behalf by learned counsel for the petitioner, documents annexed along with the petition perused.

4. As per order passed in Second Appeal Case No.A/200/2015 dated 7.8.2015, the Commissioner, State Information Commission held that the First Appeal has been preferred as time barred. As per commutation, the First Appeal was to be preferred till 6.10.2014 but as per facts, the First Appeal has been preferred on 24.11.2014 (as per Annexure P/4 dated 24.11.2014). It is further held that there is no prayer made for condonation of delay under the Proviso to sub-Section (1) of Section 19 of the Right to Information Act, 2005 (for short 'the Act'). Hence, it is held that as the First Appeal itself was time barred, thereby the appellant was not having any basis and jurisdiction for the Second Appeal. Consequently, the Commissioner dismissed the Second Appeal.

5. As per arguments advanced in this behalf, Annexure P/3 is not a reminder to the First Appellate Authority rather it is a letter addressed to the Information Officer. The order passed by the Information Officer has to be challenged in appeal within 30 days, the limitation fixed in this behalf in the Act and if there is any delay, the appellant was required to file an application for condonation of delay as per Proviso to sub-Section (1) of Section 19 of the Act. After perusal of the entire documents annexed, the petitioner has failed to demonstrate as to why no application for condonation of delay has been filed along with the memorandum of First Appeal before the First Appellate Court as the First Appeal itself was barred by limitation and there is no any matter to

show that such appreciation is wrong. In the considered view of this Court as the First Appeal itself was time barred, the dismissal of Second Appeal cannot be held as improper and illegal.

6. On due consideration, I do not see any ground for admission of the instant writ petition.

7. Consequently, the same is dismissed as not maintainable at the motion stage itself.

8. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE