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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3797 OF 2015

Vijendra Kumar Rai	...Petitioner
vs.	
1 The Public Information Officer, SRA	
2 1 st Appellate Authority, SRA	
3 Omkar Realtors & Developers Pvt.Ltd.	
4 State of Maharashtra	...Respondents

Mr.Virendra Kumar Rail the Petitioner in person
Mr.Vijay Dinkarrao Patil for the respondent Nos.1
and 2.
Ms Asha Nair i/b Diamondwala & Co. for respondent
No.3
Mr.V.P.Malvankar, AGP `A' Panel for respondent No.4

CORAM : A.S.OKA, &
REVATI MOHITE DERE, JJ.
DATE : JULY 20, 2015

P.C.:

1 Heard the petitioner appearing in person. We have also heard the learned counsel for the respondent Nos.1 and 2, the learned counsel for the respondent No.3 and the learned AGP for the respondent No.4. Forthwith taken up for final disposal.

2 While disposing of the Second Appeal preferred by the petitioner under sub-section (3) of section 19 of the Right to Information Act, 2005, the Second Appellate Authority by order dated 10th July 2014 directed the respondent No.1 to give inspection of all the documents concerning the information sought by the petitioner and to provide necessary

information in terms of sub-section (4) of section 5 of the said Act by 31st July 2014. It was directed that after completing inspection, necessary information shall be furnished to the petitioner free of cost by 31st July 2014 by registered post. The Second Appellate Authority also directed that if any information sought by the petitioner is not available, self-explanatory reply should be served to the petitioner by 31st July 2014.

3 A show cause notice was issued by the Second Appellate Authority to the respondent No.1. By order dated 21st August 2014, the Second Appellate Authority observed that the information sought by the petitioner has been furnished on 28th July 2014. After making the said observation, the Second Appellate Authority came to the conclusion that the respondent No.1 has not indulged in deliberate delay.

4 After having heard the petitioner appearing in person and the learned counsel for the respondent Nos.1 and 2, we find that the order dated 10th July 2014 passed by the State Information Commissioner on the Second Appeal preferred by the petitioner has attained finality. The perusal of the order dated 21st August 2014 shows that only a statement of the respondent No.1 has been recorded that the information has been furnished to the petitioner on 28th July 2014. There is no finding recorded by the State Information Commissioner on the basis of the perusal of the documents that in fact a compliance

was made by the respondent No.1 with the directions contained in the order dated 10th July 2014. Only after recording such a satisfaction that the show cause notice issued against the respondent No.1 could have been dropped by the Chief Information Commissioner of the State Government. The statement made by the respondent No.1 could not have been accepted as a gospel truth without holding any further enquiry. By setting aside the order dated 21st August 2014, the matter will have to be remitted to the Chief Information Commissioner.

5 Accordingly, we pass the following order:

- (I) The order dated 21st August 2014 passed by the Chief State Information Commissioner is set aside;
- (II) We direct the parties to the petition to appear before the Chief Information Commissioner of the State Government on 3rd August 2015 at 11.00 a.m. for fixing the schedule of hearing;
- (III) After giving an opportunity of being heard to the petitioner and the respondent No.1, the Chief Information Commissioner shall decide whether due compliance has been made with the order dated 10th July 2014;
- (IV) Fresh order shall be passed by the Chief Information Commissioner of the State Government as expeditiously as possible and preferably on or before 30th September 2015;
- (V) All concerned including the Chief

Information Commissioner of the State
Government to act upon an authenticated copy of
this order;

(VI) Writ Petition is disposed of on above
terms.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)