

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Pronounced on: September 22, 2015

+ LPA 440/2014 & CM Nos.10192-93/2014

SAURABH SARVOTTAM DHANORKAR Petitioners
Through: Mr.Sandeep Sethi, Sr.Adv. along with
Mr.Shikhil Suri and Mr.Sudhanshu
Chowdhary, Adv.

Versus

RESERVE BANK OF INDIA & ANR. Respondents
Through: Mr.H.S. Parihar, Adv. for r-1/RBI.
Mr.Abhay Prakash Sahay, Adv. for
UOI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

JUDGMENT

G. ROHINI, CHIEF JUSTICE:

1. The petitioner in W.P.(C) No.4547/2012 preferred this appeal aggrieved by the order of the learned Single Judge dated 08.10.2013 in W.P.(C) No.4547/2012 thereby deferring the hearing in the petition as well as CM No.9482/2012 till the disposal of the Transfer Petitions pending before the Supreme Court.

2. We have heard the learned counsel for both the parties.

3. A perusal of the material available on record shows that the appellant/writ petitioner made an application under the Right to Information Act, 2005 (for short 'the Act') seeking certain information in the form of certified copies from Reserve Bank of India (for short

‘RBI’) regarding imposition of penalties on 19 Commercial Banks for non-compliance of instructions on derivatives as reflected from the RBI’s Press Release dated 26.04.2011. The CPIO of RBI rejected the petitioner’s application on the ground that it is an exempted information under Section 8(1)(e) of the RTI Act. The First Appellate Authority dismissed the said appeal and thereupon, the appellant/writ petitioner preferred a Second Appeal before CIC.

4. In the meanwhile, similar application made by one Ashwin Dixit seeking information regarding the action taken against financial irregularities of United Mercantile Co-operative Bank Ltd. was rejected by CPIO of RBI and the same was confirmed by the First Appellate Authority. However, the Second Appeal preferred by Ashwin Dixit was allowed by order dated 12.03.2012 and RBI was directed to furnish the information. Thereupon, RBI filed W.P.(C) No. 1976/2012 and pending the said writ petition, this Court by order dated 10.04.2012 directed that the CIC shall adjourn hearing in all cases which involve the disclosure of (i) the inspection reports prepared by the RBI; (ii) the notings in relation to inspection proceedings conducted by RBI; (iii) the Board Meeting Minutes of RBI as well as concerned Banks; and (iv) correspondence exchanged between the RBI and the concerned Banks.

5. Having regard to the said order dated 10.04.2012 in W.P.(C) No.1976/2012, CIC declined to decide the Second Appeal preferred by the appellant/writ petitioner and passed an order to that effect on 26.04.2012. However, it was left open to the appellant/writ petitioner to obtain appropriate directions from this Court, if so desires.

6. Aggrieved by the said order of CIC dated 26.04.2012, the appellant/writ petitioner filed W.P.(C) No.4547/2012. He also filed CM No.9482/2012 in W.P.(C) No.1976/2012 seeking a clarification. The said application was directed to be heard along with W.P.(C) No.4547/2012. When W.P.(C) No.4547/2012 along with CM No.9482/2012 was taken up for consideration, it was brought to the notice of the learned Single Judge that a Transfer Petition seeking transfer of W.P.(C) No.1976/2012 to the Supreme Court has been filed by the RBI and the same is pending before the Supreme Court. Therefore, the learned Single Judge by the order under appeal dated 08.10.2013 deferred the hearing in CM No.9482/2012 till Transfer Petition No.707-718/2012 is pending before the Supreme Court.

7. Challenging the said order, the present appeal is filed by the writ petitioner and it is vehemently contended by the learned Senior Counsel appearing for the appellant that the delay in disposing of the appellant's appeal and thus denying the appellant the information sought under the RTI Act had virtually defeated the object of the RTI Act.

8. During the course of hearing, it is brought to our notice by the learned counsel for the RBI that the Transfer Petitions before the Supreme Court were allowed by order dated 14.08.2015 and W.P.(C)No. 1976/2012 has been transferred to the Supreme Court to be tried along with other similar petitions.

9. On a careful consideration of the material available on record, we are unable to hold that the order under appeal suffered from any illegality warranting interference in an intra-court appeal. The learned Single Judge was of the view that the issue involved in the petitioner's

Second Appeal before CIC is identical to the issue involved in W.P.(C) No.1976/2012 which now stands transferred to the Supreme Court. The hearing of the writ petition was, therefore, rightly deferred by the learned Single Judge. Even the clarification as prayed for in CM No.9482/2012 cannot be considered since the Supreme Court is now seized of the whole issue.

10. The appeal is accordingly dismissed. No costs.

CHIEF JUSTICE

JAYANT NATH, J.

SEPTEMBER 22, 2015

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