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

+ LPA 252/2016

LT COL NAVEEN KUMAR ANAND Appellant

Through: Petitioner-in-person.

versus

UOI AND ORS Respondent

Through: Ms.Monika Arora, CGSC with
Mr.Priyank Khattar and Mr.Harsh Ahuja, Advs. for
UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **25.04.2016**

CM No.14372/2016 (exemption)

Allowed, subject to all just exceptions.

LPA No.252/2016

1. The petitioner in W.P.(C) No.1453/2016 preferred this appeal against the order of the learned Single Judge dated 18.03.2016.
2. We have heard the appellant/writ petitioner who appeared in person and perused the material available on record.
3. The facts in brief are as under:-
4. The appellant/writ petitioner applied under the Right to Information Act, 2005 before the Directorate General of Resettlement, Ministry of Defence, Government of India to furnish copies of the requisitions received from certain Public Sector Enterprises (PSEs) for sponsoring security agencies. The CPIO/Respondent No.3 declined to furnish the information. The first appeal preferred against the said order as well as the second appeal before CIC were dismissed. However, the CIC while dismissing the appeal

by order dated 16.11.2015 had recorded the statement of the Ministry of Defence that if appellant seeks any specific information, the same will be provided to him. Though, the appellant/writ petitioner preferred W.P.(C) No.97/2016 against the order of CIC, this Court declined to entertain the writ petition and dismissed the same by order dated 12.01.2016 observing that the petitioner had failed to approach the respondent seeking any specific information which the respondent had undertaken before the CIC to furnish. Thereafter, the appellant/writ petitioner made a fresh request dated 16.01.2016 before the respondent No.3 seeking certain information. By order dated 29.01.2016, the said application was disposed of declining to furnish the information stating that the information sought pertains to a large number of third parties received from various Public Sector Undertakings and moreover, the applicant, who is also a security agency had a commercial interest in the matter and that his security agency was dis-empanelled from Directorate General of Resettlement for committing various illegalities. Challenging the said order of respondent No.3/CPIO, the appellant/writ petitioner filed W.P.(C) No.1453/2016. The writ petition was disposed of by the learned Single Judge by the order under appeal dated 18.03.2016 granting liberty to the petitioner to file an appropriate proceedings before CIC observing that even according to the petitioner the order dated 29.01.2016 is in violation of the undertaking given by the respondents before the CIC. The said order is assailed before us in the present appeal.

5. Having regard to the facts and circumstances of the case, we do not find any justifiable reason to interfere with the order under appeal. In fact, against the order of CPIO dated 29.01.2016, a first appeal is provided under

Section 19(1) of the Right to Information Act, 2005. As the appellant failed to exhaust such remedy available under the statute, the writ petition, in fact, is liable to be dismissed in *limine* as not maintainable. However, the learned Single Judge thought it fit to permit the appellant to approach the CIC who is the second appellate authority, in view of the stand taken by the appellant that the order of CPIO was in violation of the undertaking before the CIC.

6. As rightly opined by the learned Single Judge, the appellant in the facts of the present case, cannot maintain a writ petition straightaway. Hence, the appeal is without any substance and the same is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

APRIL 25, 2016/pmc