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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3922/2016 and CM APPL.16597/2016

J K MITTAL

..... Petitioner

Through: Mr.Rajveer Singh, Advocate

versus

CPIO, UNDER SECRETARY, GOVT OF INDIA & ANR.

..... Respondents

Through: Mr.Jasmeet Singh, CGSC with
Ms.Pallavi Shali and Ms.Astha
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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09.05.2016

Present writ petition has been filed challenging the order dated 19th April, 2016 passed by respondent No.1-CPIO, Ministry of Finance whereby the appeal preferred by the petitioner against the order dated 1st March, 2016 was transferred to Directorate of Enforcement under Section 6(3) of RTI Act.

It has been averred in the petition that the petitioner filed an application dated 16th February, 2016 under RTI Act seeking information in respect of Hawala money used in terrorist activities. It has been further averred by the petitioner that vide order dated 1st March 2016, respondent No.1-CPIO transferred the petitioner's application to CPIO, Directorate of Enforcement under Section 6(3) of the RTI Act.

Against the order dated 1st March, 2016, the petitioner filed an appeal before the First Appellate Authority. However, respondent No.1 itself entertained the said appeal and passed the impugned order 19th April, 2016 stating that the said order had been passed with the approval of the Appellate Authority.

In the opinion of this Court, the CPIO cannot assume the function of the First Appellate Authority and refer an appeal against his own order to the Directorate of Enforcement.

Consequently, this Court is of the view that in the present case, there has been a violation of principle of natural justice as well as the principle of fair hearing.

Accordingly, the impugned order is set aside and the petitioner's appeal is directed to be listed before the First Appellate Authority, Government of India, Ministry of Finance with a direction to dispose of the same within a period of four weeks.

However, it is clarified that this Court has not expressed any opinion on the merits of the controversy. All rights and contentions of the parties are left open.

MANMOHAN, J

MAY 09, 2016

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