

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1201 of 2017

C.G. State Co-operative Marketing Federation Limited, Through the
Secretary, 880, Civil Lines, Raipur, Distt. Raipur (C.G.)

---- Petitioner

Versus

1. Sanjay Kumar Sharma, Near Chemist Bhawan, Naila, District
Janjgir-Champa (C.G.)

2. C.G. State Information Commission, Raipur (C.G.)

---- Respondents

ANDWrit Petition (C) No.1218 of 2017

C.G. State Co-operative Marketing Federation Limited, Through the
Secretary, 880, Civil Lines, Raipur, Distt. Raipur (C.G.)

---- Petitioner

Versus

1. Sanjay Kumar Sharma, Near Chemist Bhawan, Naila, District
Janjgir-Champa (C.G.)

2. C.G. State Information Commission, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Prafull Bharat, Advocate.

For Respondent No.1: Mr. Saurabh Dangi, Advocate.

For Respondent No.2: Mr. Shyam Sunder Lal Tekchandani, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2017

1. Since common question of law and fact is involved in both these
petitions, they are being disposed of by this common order.

2. Learned counsel for the petitioner submits that the State
Information Commission is absolutely unjustified in dwelling upon
the issue after the information was supplied to respondent No.1 on
6-9-2013. He would also submit that there was no need to
adjudicate on merits once the information has been provided by the

petitioner to respondent No.1 and as such the order passed by the State Information Commission deserves to be set aside on this ground alone.

3. Learned counsel for respondent No.1 submits that relevant information sought for has already been supplied to respondent No.1 on 6-9-2013.
4. However, learned counsel appearing for respondent No.2 – Chhattisgarh State Information Commission would support the impugned order.
5. The fact remains that the first appellate authority passed order providing for certain information which was not provided and thereafter, appeal was preferred on 31-7-2013 and during the pendency of appeal, necessary information was supplied on 6-9-2013 as such, there was no occasion for the State Information Commission to further dwell upon the dispute on merits and dispute upon other issues.
6. In view of the above, since information was already provided to respondent No.1 and he is satisfied, there was no necessity for the State Information Commission to adjudicate upon the issue on merits.
7. As a fallout and consequence of aforesaid discussion, the impugned order is set aside and the writ petitions are allowed to the extent indicated herein-above leaving the parties to bear their own cost(s). The issue raised, if any, will be considered and decided by this Court in appropriate proceeding and it is left open.

Sd/-
(Sanjay K. Agrawal)
Judge