

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.898 OF 2015

Col. (Retd.) Shri Anand G. Deshpande & Anr. ... Petitioners
Vs
Shri Madhukar Yadav Zende & Ors. ... Respondents

**WITH
WRIT PETITION (L) NO.426 OF 2015**

Col. (Retd.) Shri Anand G. Deshpande & Anr. ... Petitioners
Vs
Shri Shrikant Gajanan Beni & Ors. ... Respondents

**WITH
WRIT PETITION (L) NO.427 OF 2015**

Col. (Retd.) Shri Anand G. Deshpande & Anr. ... Petitioners
Vs
Shri Shrikant Gajanan Beni & Ors. ... Respondents

**WITH
WRIT PETITION NO.2007 OF 2016**

Col. (Retd.) Shri Anand G. Deshpande & Anr. ... Petitioners
Vs
Shri Shrikant Gajanan Beni & Ors. ... Respondents

**WITH
WRIT PETITION NO.2396 OF 2016**

Col. (Retd.) Shri Anand G. Deshpande & Anr. ... Petitioners
Vs
Shri Shrikant Gajanan Beni & Ors. ... Respondents

...

Mr. Ashok B. Tajane for the Petitioners.
Mr. Vivek Salunke for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 11th OCTOBER, 2017

ORAL JUDGMENT:

1. Heard the learned counsel for the parties.
2. Rule in each of these petitions. With the consent and on the the request of the learned counsel for the parties, rule is made returnable forthwith.
3. In all these cases, the petitioner, who is a Public Information Officer and Secretary of the Sarvajanic Vachanly Tilak Road, Nashik, questions the orders made by the State Information Commissioner, imposing penalty of Rs.2000/- upon the Petitioner No.1, in each of these petitions for having delayed imparting information to the respondent No.1.
4. This Court, in Writ Petition No.899 of 2015 instituted by this very petitioner, vide judgment and order dated 9th December 2015, in virtually identical circumstances, had declined to interfere with the imposition of penalty but had reduced the penalty amount to Rs.100/- only.
5. The learned counsel for the parties submits that in fact the

present five petitions were to be taken up along with Writ Petition No.899 of 2015, but remained so on account of certain logistical reason. They agree that the reasoning in the judgment and order dated 9th December 2015 will apply to the facts and circumstances of the present petition as well.

6. Accordingly, for the reasons set out in the judgment and order dated 9th December 2015 in Writ Petition No.899 of 2015, these petitions are disposed of. The imposition of penalty is maintained, however, the quantum of penalty is reduced to Rs.100/- in each of the petition. The rule is made partly absolute to the aforesaid extend in each of the petitions.

7. Mr. Tajane, the learned counsel for the petitioners points out that the petitioner No.1 has in fact deposited the penalty amount with the Government Treasury at Nashik. He places on record xerox copies of the receipts in this regard. Since, now, the amount of penalty is reduced from Rs.2000/- to Rs.100/- in each of the petition, the petitioner No.1, will be entitled to proportionate refund. The treasury, therefore, is directed to refund the penalty amount after retaining an amount of Rs.100/- by way of penalty in each of these petitions. In case there is any difficulty securing refund, the petitioner No.1 is at liberty to apply to the State Information

Commission, which can, issue necessary directions in the matter of refund. These petitions are disposed of in the aforesaid terms with no order as to costs.

(M. S. SONAK, J.)