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

% Judgment delivered on: 06.03.2017

+ W.P.(C) 2020/2017

YOGESH KUMAR

..... Petitioner

versus

THE PUBLIC INFORMATION OFFICER/EXECUTIVE
ENGINEER AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. G.S. Sharma, Mr. V.K. Sharma and Mr. R.A. Sharma,
Advocates

For the Respondents : Mr. Santosh Kr. Tripathi, ASC with Mr. Rizwan, Adv. for
GNCTD

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition impugning the order dated 08.06.2016 whereby the Central Information Commission (CIC) has closed the appeal filed by the petitioner by noting that sufficient information has already been furnished to the petitioner (appellant in the appeal filed before the CIC).

2. It is submitted that the notice of listing of the appeal dated 30.05.2016 was received by the petitioner on 08.06.2016 in the evening when the matter was listed before the CIC on 08.06.2016 in the morning.

3. Issue notice. Notice is accepted by learned counsel for the

respondents.

4. The appeal of the petitioner has been closed by the impugned order noting that sufficient information has been furnished and order itself records that neither the petitioner (appellant therein) nor the public authority were present.

5. The uncontroverted contention of the petitioner, that the notice of intimation of listing of the appeal was received in the evening of the day on which the appellant was listed, shows that petitioner was not afforded sufficient opportunity to represent his case before the CIC. In my view it is a fit case calling for an order of remit.

6. In view of the above, the impugned order dated 08.06.2016 is set aside and the appeal is restored to its original number before the CIC. The appeal be listed before the CIC for direction on 28.03.2017. The writ petition is accordingly disposed of.

7. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 06, 2017

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