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

+ **W.P.(C) 6227/2015**

VIJAY KUMAR GARG

..... Petitioner

Through Mr Gaurav Wadhwa, Advocate.

versus

CENTRAL INFORMATION

COMMISSIONER & ANR

..... Respondents

Through Mr Gautam Narayan, ASC with Mr R.A. Iyer, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **09.10.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 21.01.2015 (hereafter 'the impugned order'), passed by the Central Information Commission (hereafter 'CIC'), whereby the petitioner's second appeal under Section 19 (3) of the Right to Information Act, 2005 (hereafter 'the Act') was rejected. The petitioner had preferred the second appeal impugning an order dated 25.04.2014 passed by the First Appellate Authority (FAA) in respect of the petitioner's appeal challenging the denial of information sought pursuant to his application dated 09.02.2014.

2. Paragraph 6 of the impugned order clearly indicates that the petitioner had, by a letter dated 02.05.2014, expressed that he did not require the information sought by him any more. It is seen that the CIC had rejected the petitioner's appeal principally on the basis that the petitioner had withdrawn his request for information.

3. The learned counsel appearing for the respondents points out that the

said finding - as noted in paragraph 6 of the impugned order - has not been assailed by the petitioner in its petition and since the petitioner had withdrawn his request for further information, the present petition should be dismissed on this ground alone.

4. The learned counsel appearing for the petitioner had submitted that apart from rejecting the petitioner's appeal, the CIC has also made several adverse observations against the petitioner without fully examining the entire case.

5. It is seen that the impugned order passed by the CIC contains several derogatory observations against the petitioner. Although, as rightly pointed out by Mr Narayan, the said observations are not findings, this Court is unable to appreciate inclusion of such further observations particularly when the petitioner's second appeal had been rejected on the ground that he no longer desired the said information. Having once observed that the petitioner was not interested in receipt of information, there was no occasion for the CIC to proceed any further.

6. In this view, the present petition is disposed of by directing that none of the observations made by the CIC would be binding on the parties and any further applications filed by the petitioner under the Act would be considered by the respondents and dealt with in accordance with law, uninfluenced by the observations made by the CIC in the impugned order.

7. The petition is disposed of.

VIBHU BAKHRU, J

OCTOBER 09, 2017

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