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

+ **W.P.(C) 7560/2016 & CM Appln. No.31151/2016**

CENTRAL BUREAU OF INVESTIGATION Petitioner
Through Mr. Sanjeev Bhandari, Spl. P.P.

versus

HARKRISHAN DAS NIJHAWAN Respondent
Through In person.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

% **ORDER**
07.09.2017

1. The petitioner has filed the present petition impugning the order dated 31.08.2015 (hereafter 'the impugned order') passed by the Central Information Commission (CIC), whereby the Commission had set aside the order of the First Appellate Authority (FAA) dated 18.06.2013. The FAA had upheld the stand of the CPIO that the information sought by respondent could not be supplied as the petitioner was an organization exempt under Section 24 of the Right to Information Act, 2005 (hereafter 'the Act').
2. In the impugned order, the CIC had noted that the information sought by the respondent related to corruption and, therefore, was excluded from exemption by virtue of proviso to Section 24 (1) of the Act.
3. Undisputedly, the information sought by the respondent pertains to corruption and thus the petitioner cannot claim that it is excluded from the

scope of the Act in respect of such information. The proviso to section 24(1) of the Act would be squarely applicable. Thus, this court finds no infirmity with the impugned order.

4. In view of the above, the matter is remanded to the CPIO to reconsider the petitioner's application and respond within a period of three weeks from today. It will be no longer open to the petitioner claim that it is exempt by virtue of Section 24 of the Act since the information sought by the petitioner is clearly in relation to corruption which is covered under the proviso to Section 24 (1). However, the CPIO will examine whether any of the information is exempt under any other proviso to Section 8 of the Act. All rights and contentions of the respondents in this regard are left open.

5. The petition and all pending applications are disposed of.

6. Order be given *dasti* under the signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 07, 2017

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