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

+ W.P.(C) 7833/2016

PANKAJ ROY WADHWA AND ORS Petitioner
Through: Mr S.D. Wadhwa, Advocate.

versus

CPIO, O/O REGISTRAR COOP SOCIETIES Respondent
Through: Mr Shadan Farasat and Mr Ahmed
Said, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.07.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 23.06.2015 (hereafter 'the impugned order') whereby the Central Information Commission (CIC) has dropped the proceedings initiated against the CPIO, Registrar Cooperative Societies, New Delhi. The proceedings were initiated since the CIC found that information as sought for by the petitioner was not furnished against the order passed by CIC to such effect. The impugned order indicates that CIC had, by an order dated 30.03.2015, also directed the CPIO to show cause as to why maximum penalty not be imposed against the CPIO for not complying with the orders of the CIC dated 01.12.2008.

2. In response to the aforesaid order dated 30.03.2015, the CPIO made made oral and written submissions before the CIC. A plain reading of the impugned order indicates that CIC dropped the proceedings principally for

the reason that the petitioner was provided the information, subsequently, in compliance with the CIC's order dated 01.12.2008 and further the petitioner was also offered inspection of the available records. In terms of Section 18(2) of the Right to Information Act, 2005 (hereafter 'the Act'), the CIC is required to initiate an enquiry where it is satisfied that there are reasonable grounds to enquire into the matter.

3. In the present case, it is apparent that CIC did consider it necessary for an enquiry to be held. Thus it was incumbent on CIC to conclude the same and to examine whether CPIO(s) had failed to provide the information without reasonable cause. Section 20 of the Act further provides for imposition of penalty in case the CIC, at the time of deciding any complaint or appeal, is of the opinion that the Public Information Officer has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under Section 7(1) of the Act or *malafidely* denied the request for information or knowingly gave incomplete and misleading information or has destroyed information, which was the subject of the request.

4. Thus, in the present case, the CIC was required to determine (a) whether there was any reasonable cause for not furnishing the information within the time specified; and (b) whether the information provided was incorrect and/or incomplete. The plain reading of the impugned order does not indicate that the CIC has satisfied itself on the aforesaid aspects.

5. In view of the above, the impugned order is set aside and CIC is directed to examine the question whether any penalty is required to be

imposed against the respondent on the parameters as set out in Section 20 of the Act. Needless to mention that the respondent will be provided full opportunity to meet all allegations and participate in such enquiry as maybe taken against him.

6. It is clarified that this court has not expressed any opinion on the merits of the allegations.

7. The petition is, accordingly, disposed of.

8. Order *dasti*.

VIBHU BAKHRU, J

JULY 13, 2017
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