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

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Judgment delivered on: 10.01.2017

+ **W.P.(C) 10863/2016**

NATIONAL INSTITUTE OF
FASHION TECHNOLOGY

..... Petitioner

versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner :

Mr. Pratap Shanker and Mr S.Shantanu

For the Respondents:

Mr. Roshan Lal Goel and Ms Anju Gupta, Advocates for
R-1/Union of India.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

10.01.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No.42560/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10863/2016 & CM No.44430/2016(stay)

1. The petitioner impugns order dated 05.09.2016 of the Central Information Commission(CIC), whereby the petitioners have been directed to provide the complete and categorical information against issue No.1 to the respondent No.3 by way of his application under the

Right to Information Act, 2005 (hereinafter referred to as “the Act”).

2. Respondent No.3, by his said application, had, *inter alia*, sought the following information:-

"1. Certified copy of complete case file including complaint letter, fact finding report of Mr. S.N.Sangule, note sheets etc.

2. Certified copy of order from NIFT, on the basis of which Mr. Vasant Kothari got my certificates verified."

3. Insofar as information at serial No.2 is concerned, it is an admitted position that the same has been furnished.

4. With regard to the information sought at serial No.1, the response given by the petitioner was that since the matter was under consideration regarding cancellation of contract, hence, information could not be provided under Section 8(1)(h) of the Act.

5. Section 8(1) (h) of the Act reads as under:-

"8(1)(h). information which would impede the process of investigation or apprehension or prosecution of offenders"

6. Reading of Section 8(1)(h) shows that in cases where the provision of information is likely to impede the process of investigation or apprehension or prosecution of offenders, the same could be denied.

7. It is an admitted position that consequent to the complaint received by the petitioner, a fact finding Committee had been constituted, which had submitted its report and consequent to the report, action has already been taken for terminating the Contract of respondent No.3.

8. It is not the case of the petitioner that any investigation is pending. Since there is no investigation which is pending, Section 8(1)(h) would have no applicability as the supply of information is not going to impede any process of investigation or apprehension or prosecution of offenders.

9. Learned counsel for the petitioner, during his submissions, also relied on Section 8(1)(g) of the Act.

10. Section 8(1)(g) of the Act reads as under:-

“8(1)(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.”

11. Reading of Section 8(1)(g) shows that the said Section would be applicable where disclosure of information would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.

12. Clearly, the said Section is not applicable in the facts of the present case as the petitioners have chosen to take a civil action of termination of a Contract. There is no information, which is provided in confidence for law enforcement or security purposes. Further, there is nothing pointed out to show that disclosure of information is likely to endanger the life or physical safety of any person.

13. Clearly, the denial of information on the purported grounds of Section 8(1)(h) and now, as submitted, under Section 8(1)(g) of the Act is not justified.

14. The Central Information Commission has rightly taken a view that pleas raised by the petitioner of exemption under Section 8(1)(h) are not legally tenable.

15. I find no infirmity with the impugned order. The petition is without any merit and is accordingly dismissed. No costs.

SANJEEV SACHDEVA, J

JANUARY 10, 2017

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