

\$~28

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

+ LPA 541/2017

SUNIL JASUJA Appellant
Through Mr. Abhimanyu Garg, Advocate

versus

CENTRAL INFORMATION COMMISSION ... Respondent
Through None

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **16.08.2017**

C.M. No. 28963/2017

Exemption allowed, subject to all just exceptions. The application stands disposed of.

LPA No. 541/2017

The appellant assails the order dated 19th July, 2017 passed by the learned Single Judge in WP(C) No. 5994/2017. The learned Single Judge has dismissed the said writ petition preferred by the appellant, wherein the appellant had sought a direction to the respondent/CIC to dispose of the second appeal filed under Section 19 of the Right to Information Act, 2005 in a time bound manner. The case of the appellant was that his second appeal had remained pending for 111 days and had not been disposed of within 45 days of its being filed. The learned Single Judge has rejected the writ petition

by examining the queries raised by the appellant and the response given by the CPIO. The learned Single Judge has observed that the CPIO is not required to give an opinion or to issue any clarifications.

First of all, we may observe that apparently there is no time limit prescribed for deciding the second appeal by the CIC under the Act. The appellant had placed reliance on the decision of the High Court of Karnataka in *Jayaprakash Reddy vs. Central Information Commission & Anr.* in WP(C) No. 28310-11 and 45540-42/2015 decided on 29th October, 2015. A copy of this decision has also been placed on record with the present appeal. The order of the learned Single Judge of the Karnataka High Court shows that in the statute, there is no time limit prescribed for deciding the second appeal. It is only by way of direction issued by the learned Single Judge that the second appeal should be decided within 45 days of the filing of the second appeal. In the facts of that case, the appeal had remained pending for over a year.

Even otherwise, on the perusal of the impugned order, it becomes clear to us that the appellant, despite receiving the information desired by him from the CPIO, is seeking to pursue his appeal before the CIC, with an endeavour to require the RBI to provide to the appellant the opinion of the RBI on the issues raised by him. The learned Single Judge has observed and, in our view rightly so, that the CPIO is under no obligation to render any opinion or to issue any clarifications. The CPIO is obliged to provide the information sought by the applicant, provided the same is borne out from the record of the organisation.

In the circumstances, we are not inclined to interfere with the impugned order. The appeal is accordingly dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 16, 2017

mw