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

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Judgment delivered on: 02.02.2017

+ **W.P.(C) No.6995 /2015**

K.VENKATA RAO

..... Petitioner

Versus

THE CENTRAL INFORMATION
COMMISSION & ORS.

... Respondents

Advocates who appeared in this case:

For the Petitioner : Petitioner in person.

For the Respondents : Mr Siddharth Panda with Mr Prasanta Varma, Advocate for
R-3/Union of India.
Mr Saurabh Jain for R-4.
Mr Abhijeet Sinha for R-2 & 5.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

02.02.2017

SANJEEV SACHDEVA, J. (ORAL)

**W.P.(C) No.6995/2015 & CM Nos.12823/2015(interim relief),
20735/2016(stay)**

1. The petitioner impugns order dated 31.03.2015, whereby the appeal filed by the petitioner has been rejected.
2. It is contended that the said order is an *ex parte* order and the petitioner was not present at the time of hearing.

3. It is contended that the petitioner had received a notice of hearing for 31.03.2015, however, since the petitioner, who was then aged 67 years, because of his health, could not travel from Bangalore to Delhi for personal appearance. The petitioner, by e-mail dated 12.03.2015, 22.03.2015 and 26.03.2015, informed the CIC about his inability to travel to Delhi for the hearing on 31.03.2015 and requested the Central Information Commission (CIC) to take up the matter on 31.03.2015 by way of video conferencing.

4. The petitioner submits that earlier also, CIC had acceded to the request and permitted the petitioner to attend the hearing through video conferencing.

5. It is contended that the CIC neither informed the petitioner that his request had been rejected nor adjourned the hearing to the later date and without acceding to the request of the petitioner that he was not well and permitting the petitioner to attend the hearing through Video Conferencing, the CIC passed the impugned order.

6. Perusal of the record shows that the petitioner has made a request to CIC to grant an opportunity of hearing through video conferencing because of his health. The CIC has not acceded to the request and proceeded to pass the impugned order. The impugned order does not even record the factum of the petitioner having requested for video conferencing and merely records that the petitioner who is the appellant before the CIC is not present.

7. In my view, the petitioner has shown sufficient cause for not appearing before the CIC on 31.03.2015 when the matter was listed and has

shown that the petitioner had made request before the CIC that the proceeding be taken up by video conferencing. The petitioner has been denied an opportunity of a representation.

8. In view of the above, the impugned order is set aside. The appeal of the petitioner is restored to its original number. The appeal is remitted to the CIC for a fresh consideration.

9. The CIC is directed to expedite the hearing of the appeal filed by the petitioner.

10. The Writ Petition is disposed of in the above terms. There shall be no order as to costs.

11. *Dasti* under the signatures of the Court Master.

FEBRUARY 02, 2017

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SANJEEV SACHDEVA, J