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

+ W.P.(C) 8175/2017

VIKRANT

..... Petitioner

Through Ms. Monica Kapoor, Advocate with petitioner.

versus

CHIEF COMMISSIONER COMMISSIONER & ORS.

..... Respondents

Through Mr. Satyakam, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.09.2017**

1. The petitioner has filed the present petition seeking several reliefs but the real grievance of the petitioner is that the information sought by the petitioner - complete CAW file of about 571 pages - has not been provided to him.
2. Learned counsel for the petitioner has drawn the attention of this Court to an order dated 28.03.2017, passed by the Central Information Commission (hereafter as 'CIC'), whereby the CPIO, Saket Court, was directed to supply the information sought by the petitioner within a period of four weeks. The CIC had also noticed that the CPIO, South-East District, had provided the information, subsequently, pursuant to the orders of the First appellate Authority (FAA). Paragraphs 6 and 7 of the said order are relevant and read as under:

“6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that no information has been provided to the appellant by the CPIO, Saket Court. In view of this, the Commission directs the respondent (the CPIO, Saket Court) to provide information to the appellant within a period of four weeks from the date of receipt of a copy of this order.

7. The Commission, further notes that, initially, instead of providing information, as available, the CPIO had transferred the appellant’s RTI application to the CPIO, Prosecution Branch, Tis Hazari Court and to the CPIO, Saket Court. However, subsequently, in compliance with the order of FAA, the CPIO had provided information to the appellant. The CPIO, therefore, had deliberately withheld information from the appellant. The Commission, therefore, directs the Registry of this Bench to issue a Show Cause Notice to the CPIO, South East District, Delhi Police for explaining as to why action under Section 20(1) of the RTI Act should not be initiated against him.”

3. It is apparent from the above that the CIC had proceeded on the basis that information sought by the petitioner had been provided to him by the CPIO, South-East District, subsequently, in compliance with the orders passed by the FAA. However, the petitioner’s grievance remains that the complete file has not been provided to him and he has been provided only 55 pages. It is also claimed that the direction issued to the CPIO, Saket Court, has also not been complied with.

4. The CIC had issued a Show-Cause Notice which was discharged by the order dated 09.05.2017 (which is impugned in the present petition). Perusal of the said order indicates that the CIC had not taken note of the petitioner's grievance about non receipt of notice. The petitioner also claims that he had no notice of the hearing held on 09.05.2017 and, thus, could not present his claim that his grievance regarding non receipt information persists.

5. In view of the above, the order dated 09.05.2017 is set aside and, the CIC is directed to examine the issue afresh, after hearing the petitioner.

4. The petition stands disposed of.

5. *Dasti.*

VIBHU BAKHRU, J

SEPTEMBER 13, 2017

dr