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

+ W.P.(C) 7769/2017

HARKRISHAN DAS NIJHAWAN Petitioner

Through Petitioner in person.

versus

CPIO, SPECIAL BRANCH OF DELHI POLICE & ANR

..... Respondents

Through Mr. Devesh Singh, Advocate for R-1.
ACP D.P. Joshi (SB).
Insp. Arun Verma, S.I. Om Parkash and
ASI Anil Kumar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.09.2017

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 05.12.2016, passed by the Central Information Commission (hereafter 'the CIC'). The petitioner further prays that the respondents be directed to provide the information as sought by the petitioner.
2. The petitioner states that it filed an application under the Right to Information Act, 2005 (hereafter 'the Act') with the Central Public Information Officer (CPIO) of Special Branch, Delhi Police. (The said document is not on record.) The said application was disposed of on 01.03.2016. The petitioner states that the information sought for by the petitioner was denied and, therefore, the petitioner preferred a complaint

before the CIC on 13.04.2016. The said complaint was disposed of by the impugned order dated 05.12.2016, whereby the CIC has upheld the denial of certain information, and has further directed the respondents to provide certain information, which, according to the CIC, ought to have been provided to the petitioner.

3. It is seen that the order of the CIC is plainly without jurisdiction as the scope of examination before the CIC was limited to the petitioner's complaint and, therefore, no direction for disclosure for information could have been issued. (See: *Chief Information Commissioner and Another v. State of Manipur and Another : (2011) 15 SCC 1*)

4. In view of the above, the matter is remanded to the CIC to consider the question whether any punitive action is required to be taken against the concerned CPIO in accordance with Section 18 and 20 of the Act. Insofar as the denial of his request for information is concerned, the petitioner is at liberty to approach the First Appellate Authority under Section 19 of the Act, for disposal of his grievance in that regard.

5. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

SEPTEMBER 04, 2017

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