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

+ LPA 742/2017, C.M. APPL.42333/2017

R K JAIN

..... Appellant

Through : Sh. Ajay Garg, Ms. Parul Parmar and Sh.
Ashwani. K. Sood, Advocates.

versus

V P PANDEY

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **22.11.2017**

The appellant's grievance is that the Central Information Commission (CIC) perversely upheld the omission to impose penalty under Section 20(1) of the *Right to Information Act, 2005*.

Learned Single Judge had declined to intervene under Article 226 of the Constitution after considering that the imposition of penalty was discretionary, having regard to the circumstances. Learned counsel contends that the learned Single Judge, having regard to the mandatory terms of the provision, which required penalty to be imposed in every case where the Public Information Officer (PIO) fails to provide information within the prescribed time, should have directed so.

The Court is of the opinion that whilst adherence to timelines is ordinarily expected, as is the norm, the omission in certain cases cannot invariably be burdened with penalty. The exercise of discretion, in any case, by the CIC is endorsed by the learned Single Judge which does not call for interference.

The appeal is accordingly dismissed along with the pending application.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 22, 2017/ajk