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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 728/2017, CM APPL.41252-41252/2017

R K JAIN

..... Appellant

Through: Mr. Dinesh C. Pandey with Mr. Rajeev Gurung, Advocates.

versus

CENTRAL PUBLIC INFORMATION OFFICER & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

11.12.2017

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The appellant is aggrieved by the order of the learned Single Judge who refused to intervene in the exercise of the discretion of Central Information Commission. The appellant/writ petitioner was the information applicant. The record discloses that the information sought was supplied after considerable delay. The CIC rejected the concerned PIO's explanation for the delay. However, it did not impose the penalty but directed payment of ₹5,000/-. The appellant contends that the learned Single Judge's decision was made on an incorrect appreciation of law and the facts. The record, it is urged, clearly shows inordinate delay of 485 days in the supply of the information which would have attracted automatic penalty of Rs.250/-

per day subject to a maximum cap of ₹25,000/-. By confining the penalty to ₹5,000/- in an unreasoned decision, the CIC fell into error.

This Court notices that the Single Judge's order is a reasoned one. The impugned judgment notices the previous decision in *Annad Bhushan v. R.A. Haritash*, ILR (2012) IV Delhi 657 (DB). The appellant had relied on that judgment as well as other decisions including *Ved Prakash v. State Information Commissioner*, 2013 SCC OnLine HP 771 and *Chief Information Commissioner and Anr. v. State of Manipur and Anr.*, (2011) 15 SCC 1.

This Court is of the opinion that whilst on the facts, the CIC's conclusions, without indicating reasons, may be *per se* unsupportable, yet, at the same time, the discretion exercised by the Single Judge cannot be characterised as unreasonable and flagrant violative of law as to call for interference in Letters Patent Appeal. The appeal is, therefore, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

DECEMBER 11, 2017
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