

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 692 of 2018**

Rajkumar Mishra S/o Late Ganesh Prasad Mishra Aged About 46 Years R/o Haldibadi, Chirmiri Thana Chirmiri Tahsil Khadhagavaa District Koriya Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Suchna Aayog, Through Secretary, Chhattisgarh Rajya Suchna Aayog Indrawati Bhawan Pratham Tal Shashtri Chowk Raipur Chhattisgarh.
2. State Of Chhattisgarh, Through District Shiksha Adhikari, Baikunthpur , District Koriya Chhattisgarh.

---- Respondents

For Appellant	: Shri Rajkumar Mishra, in person.
For Respondent No.1	: Shri Shaym Sunder Lal Tekchandani, Advocate.
For Respondent/State	: Shri J.K. Gilda, Advocate General with Shri Gary Mukhopadhyay, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**18/09/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard the Appellant who appeared in person, Counsel for the State and Counsel for the State Information Commission.
2. The appeal is directed against the order dated 18.05.2018 whereby the learned Single Judge refused to pass any order or interfere with the order of the State Information Commission who refused to impose maximum cost of Rs.25,000/- in the given facts and circumstances.
3. No doubt, for extraordinary delay which was caused in providing information, a penalty of Rs.10,000/- has already been imposed. That has been upheld and became a cause of action for the Appellant to approach before the High Court.

4. Since the upper ceiling with regard to the imposition of the penalty has been indicated in Section 20 of the Right to Information Act, 2005, the same is discretionary and not mandatory that in every case, a cost of Rs.25,000/- is required to be imposed.
5. The decision of the learned Single Judge is supported by reasons and principles as well as ratio laid down in diverse cases which does not suffer from any infirmity.
6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE