

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD**

WRIT PETITION NO.15056 OF 2017

Ravindra s/o Bhimashankar Ingle

..Petitioner

Versus

The State of Maharashtra, through  
the Secretary, Agriculture Department,  
Mantralaya, Mumbai and ors.

..Respondents

Mr S.V. Deshmukh, Advocate h/f Mr R.A. Deshmukh, Advocate for  
petitioner

Mrs V.N. Patil Jadhav, A.G.P. for respondents no.1 to 4

**CORAM : S.V. GANGAPURWALA &  
A.M. DHAVAL, JJ**

**DATE : 24th April 2018**

**PER COURT**

1. The petitioner, on 24.7.2017 filed an application under Right to Information Act seeking the permission as detailed in the application. As the information was not supplied within the stipulated time, the petitioner filed an appeal. In the Appeal, on 1.11.2017, the Information Officer assured that the required information will be supplied on or before 3.11.2017. Learned Counsel for the petitioner submits that the Information Officer has shown his inability to supply the information on the ground that his lower Officers had not submitted the same and because funds were not available.

2. Learned A.G.P. submits that there was no intention on the part of the respondents in not supplying the information within the stipulated period. It is because the information was not available and so also funds were not available to supply the information. The petitioner was not supplied the information within stipulated period.

However, it has been intimated that the petitioner, on payment of requisite fees did not collect the documents.

3. It is not disputed that on 24.7.2017, the petitioner filed application seeking information. The said application is also received by the concerned authority. Upon the information not being received, the petitioner filed appeal before the first appellate authority. The first appellate authority directed the Information Officer to supply the information on or before 3.11.2017. It is not disputed that after the application was filed by the petitioner, on 24.7.2017, the Information Officer did not reject the application nor supplied the information. After waiting for more than thirty days, the petitioner filed appeal and the appellate authority allowed the appeal and directed the Information Officer to supply the information by 3.11.2017. On 3.11.2017, the Information Officer intimated the petitioner that he could not receive the information from the concerned person and as such, information cannot be given to the petitioner. Even after lapse of one month, from the order of appellate authority, information was not supplied. It is stated that letter has been issued to the petitioner to deposit Rs.26,000/- to collect the documents after filing the Writ Petition before this Court.

4. Section 7 of the Right to Information Act requires the information to be supplied within thirty days, in case the application is not rejected. Sub-section (6) of Section 7 of the Act states that Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time

limits specified in sub-section (1). Even after the order passed by the appellate authority the information is not provided within one month. Sub-section (6) of Section 7 of the Act begins with *non obstante* clause. The said provision will have effect thereto.

5. Considering the above, the respondent - Information Officer shall supply the information as directed by appellate authority free of charge to the petitioner. The same shall be done expeditiously, preferably within four weeks. We have passed the present order considering facts of the present case and considering that even after the Appellate authority passed the order, the information is not supplied for a considerable period of time.

6. Writ Petition disposed of. No costs.

**( A.M. DHAVAL, J.)**

**( S.V. GANGAPURWALA, J.)**

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