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

+ **W.P.(C) 1566/2018**

KAMALJEET SINGH

..... Petitioner

Through: Mr Virag Kumar Agarwal and Mr
Anil Kumar, Advocates.

versus

PUBLIC WORKS DEPARTMENT AND ORS. Respondents

Through: Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Sandeepan Pathak,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.02.2018

CM No.6430/2018

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(A) Appropriate writ, order or directions thereby directing the respondents and more specifically the respondents No. 2 & 3 and their officials etc. to forthwith provide all information and documents desired by the petitioner as per directions/orders of the First Appellate Authority vide order dat. 14.09.2017 and 22.11.2017 respectively.”

3. The petitioner filed six applications under the Right to Information Act, 2005 (hereafter ‘the Act’) with the Public Information Officer (PIO) of

the office of respondent no. 2 (Executive Engineer (C) (W) Road-2, M-112). The petitioner claims that he did not receive any response to five of the said applications (four applications dated 17.07.2017 and one application dated 11.07.2017). However, he did receive a response to the application dated 29.06.2017. The said response is not placed on record. Aggrieved by the same, the petitioner preferred an appeal under Section 19(1) of the Act before the First Appellate Authority (FAA), which was disposed of by an order dated 14.9.2017, whereby the PIO was directed to provide certified copies of the documents as sought for by the petitioner, and further the petitioner was also permitted to inspect the relevant records. The said order also records that the petitioner was satisfied with the decisions taken at the hearing/meeting.

4. The petitioner also filed five applications under the Act with the PIO of respondent no.3 (four applications dated 18.09.2017 and one application dated 12.09.2017). The petitioner states that he did not receive any response to the said applications. This led the petitioner to file an appeal before the First Appellate Authority. This appeal was disposed of by an order dated 22.11.2017, whereby the concerned PIO was directed to provide certified copies of the documents free of cost as well as grant the petitioner an inspection of the relevant records.

5. The petitioner has filed the present petition claiming that the said order has not been implemented.

6. Mr Ramesh Singh, the learned counsel appearing for the respondents states that the order dated 22.11.2017 passed by the FAA was modified to direct that the documents be provided in accordance with the Act; that is, on

payment of the requisite charges. He also states that, thereafter, inspection was granted to the petitioner and the petitioner had duly inspected the records. He states that the certified copies, as directed, have not been provided as no further demand for documents was made after the inspection had been granted. The petitioner also did not deposit the requisite charges as required for the same.

7. Mr Singh further states that insofar the order dated 14.09.2017 is concerned, respondent nos. 2 & 3 have sent letters to the petitioner to inspect and identify the relevant documents so that the same can be provided to the petitioner, but the petitioner has not come forward to identify the requisite documents.

8. The learned counsel for the petitioner disputes the aforesaid contention. He states that the petitioner had visited the office of the concerned PIO but was not permitted to inspect the record.

9. This Court is not inclined to examine the aforesaid controversy at this stage. It would be open for the petitioner to file a complaint under Section 18 of the Act, if the orders of the FAA have not been complied with and have been wilfully disobeyed. Needless to state that if such a complaint is made, the CIC would examine the controversy whether the petitioner's claim of denial of information by the concerned PIO is correct.

10. In the event, the information is still not provided to the petitioner after the CIC has considered the petitioner's complaint, the petitioner would be at liberty to apply.

11. The learned counsel appearing for the petitioner states that while examining a complaint under Section 18 of the Act, the CIC has no power to

direct disclosure of information. The petitioner's contention is merited and this is also the view taken by the Supreme Court in *Central Information Commissioner & Ors. v. State of Manipur & Ors.: (2011) 15 SCC 1*. However, the question involved in the present case is not whether the CIC has the power to direct disclosure of information in a complaint filed under Section 18 of the Act; the question is whether, in fact, the information as sought by the petitioner has been denied to him. This question would clearly fall for consideration of the CIC if a complaint is made by the petitioner. Since the said question is a contentious one, involving factual disputes, this Court does not consider it apposite to examine the same at this stage.

12. The petition is disposed of with the aforesaid observations.

13. Order *dasti*.

VIBHU BAKHRU, J

FEBRUARY 19, 2018
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