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

**+ LPA 240/2016 & CM NoS.13465-66/2016**

**% Date of decision : 13<sup>th</sup> July, 2018**

SIDBI & ANR. .... Appellants  
Through : Mr. Ashish Azad, Adv.

versus

AMIT PANDE ..... Respondent  
Through : Mr. Pradeep Chhindra, Adv.

**CORAM:  
HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**JUDGMENT (ORAL)**

**GITA MITTAL, ACTING CHIEF JUSTICE**

**LPA No.240/2015**

1. The instant intra-court appeal has been filed assailing the order dated 17<sup>th</sup> November, 2015 passed by the learned Single Judge dismissing *W.P.(C) No. 7679/2010 Small Industries Development Bank of India v. Amit Pande*. By this writ petition, the appellant herein had impugned the order dated 15<sup>th</sup> June, 2010 of the Central Information Commission (CIC) constituted under the Right to Information Act, 2005 allowing a second appeal filed by the

respondent directing the Small Industries Development Bank of India (SIDBI) to provide to the respondent the following information :

*“(a) the note sheets containing the proposal to institute disciplinary proceedings against the respondent,  
(b) the Performance Appraisal Reports of the respondent recorded for each year from the date of his appointment with the petitioner SIDBI and till his termination as well as  
(c) the correspondence if any between the petitioner SIDBI and the M.P. Housing Board and the report / note sheets prepared on the basis of visits of the officials of the petitioner SIDBI to the M.P. Housing Board.”*

2. The impugned order records the observations of the learned Single Judge that the respondent was a resident of Gwalior who had appeared in the matter on 17<sup>th</sup> March, 2011, tendered his reply and thereafter has not been appearing before the court. The CIC had heard the respondent via video conferencing.

3. The respondent has not appeared before this court. We have however, been carefully taken through the record by learned counsel for the appellants. We have given our considered thought to the matter. We find that during the pendency of the writ petition, the learned Single Judge was informed that the issues raised in the case were similar to those pending consideration before the Division Bench in ***LPA No. 714/2010, titled State Bank of India v. Mohd. Sahjahan.***

4. Another LPA No.22/2015 filed by SIDBI on similar issues

being *Small Industries Development Bank of India v. Randolph Rowe* was also tagged alongwith LPA No. 714/2010.

5. As these appeals were pending before the Division Bench, W.P.(C) No. 7679/2010 was adjourned for several years till the same was taken up for consideration on 17<sup>th</sup> November, 2015. Inasmuch as the issues involved in the writ petition were identical to those pressed by SIDBI in LPA Nos.22/2015 and 714/2010, the learned Single Judge was of the opinion that the writ petition ought not to be adjourned any further.

6. We find that counsel for SIDBI had fairly stated before the learned Single Judge that in view of the judgment/order of the Single Judge of this court which was assailed by way of the appeal being LPA Nos.22/2015 and 714/2010, W.P.(C) 7679/2010 was liable to be dismissed. In this background, by the impugned order dated 17<sup>th</sup> November, 2015, the learned Single Judge dismissed the writ petition giving six weeks time to SIDBI from the date of receipt of the copy of the order for complying with the orders impugned by it as well as to enable SIDBI to approach the Division Bench for redressal.

7. SIDBI failed to file the present appeal within the period of limitation and has filed CM No. 13466/2016 seeking condonation of 97 days delay in filing the present appeal.

8. We may note that so far as *LPA No. 714/2010 State Bank of*

*India v. Mohd. Sahjahan* was concerned, the same raised identical issues as have been raised by the appellants herein. LPA No. 714/2010 was dismissed by us by our order dated 9<sup>th</sup> May, 2017.

9. Aggrieved by the dismissal of the writ petition, Special Leave Petition being SLP(C) No. 22065/2017 was filed by the State Bank of India before the Supreme Court which has been dismissed by the order dated 4<sup>th</sup> September, 2017.

10. LPA 22/2015 SIDBI v. Randolph Rowe is also listed before us today and by a detailed reasoned order placing reliance on the pronouncement in *SBI v. Mohd. Sahjahan*, we have dismissed LPA No. 22/2015 by a separate order recorded today.

11. In view of the above facts and circumstances, for the reasons recorded in our order dated 9<sup>th</sup> May, 2017 dismissing LPA No. 714/2010 and today's order dismissing LPA No.22/2015, the present appeal also deserves to be rejected.

12. In view thereof, we direct as follows :

- (i) The delay in filing the appeal is condoned. CM No. 13466/2016 is hereby allowed.
- (ii) LPA No. 240/2016 is found devoid of any legal merit and is hereby dismissed.
- (iii) SIDBI shall ensure compliance of the order of the CIC

within six weeks from today.

- (iv) Copy of this order be sent to Sh. Amit Pande, the respondent herein by the Registry.

**CM No.13465-66/2015**

In view of the orders passed in the appeal, these applications do not survive for adjudication and are hereby dismissed.

**ACTING CHIEF JUSTICE**

**V. KAMESWAR RAO, J**

**JULY 13, 2018/kr**