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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 5037/2018**

PANKAJ ROY WADHWA AND ORS. .... Petitioners

Through: Mr S. D. Wadhwa, Advocate.

versus

SPIO O/o THE SECRETARY-CUM-REGISTRAR,  
COOP. SOCIETIES AND ORS. .... Respondents

Through: Mr Anupam Srivastava, ASC,  
GNCTD with Ms Niharika and Mr  
Ramesh Kumar, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**05.07.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 25.01.2018 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'CIC') whereby the inquiry under Section 18(2) of the Right to Information Act, 2005 (hereafter 'the Act'), which was initiated against the concerned officers has been dropped.
2. The petitioner filed an application dated 25.02.2008 under the Act which was responded to by the CPIO on 10.03.2008. Aggrieved by the said response, the petitioners preferred an appeal before the First Appellate Authority, which was disposed of by an order dated 02.05.2008. The petitioners preferred a second appeal before the CIC. By an order dated

01.12.2008 the CIC directed the concerned PIOs to provide the following information: (i) A list of the members who attended the promoters meeting on 8 October, 1993; and a written statement that they have no other list of members of the said society as claimed before the Commission. (ii) An answer recording the reasons for their inability to give the audit reports as stated before the Commission. The said information was directed to be provided before 10.12.2008.

3. The petitioners allege that the said information was not provided. One Sh S.D. Wadhwa, advocate, who is also stated to be related to the petitioner, filed a complaint before the CIC. He is also the learned counsel who is representing the petitioners in this petition. The said complaint was taken up for hearing by the CIC on 30.03.2015 and after hearing Sh S.D. Wadhwa, the CIC called upon the officer holding the charge of a PIO on 01.12.2008 and all other officers who held the said charge subsequently to explain why maximum penalty should not be imposed against each one of them for non-compliance of the CIC's order dated 01.12.2008.

4. The CIC heard the said complaint on 23.06.2015 and passed an order dropping the penalty proceedings initiated on 30.03.2015.

5. The complainant (Sh S.D. Wadhwa) before the CIC filed a petition challenging the order dated 23.06.2015 before this Court being W.P. ( C ) 1764/2016 captioned *S.D. Wadhwa v. CPIO O/o Registrar of Cooperative Societies, New Delhi*. The said petition was dismissed by a coordinate Bench of this Court on 04.03.2016. In its order, this Court, *inter alia*, observed as under:-

*“In the opinion of this Court, though the petitioner-counsel may be closely related to the information seekers, yet that would not give him a locus standi to file a petition under Section 20 of the Right to Information Act, 2005.”*

6. Thereafter, the petitioners filed another writ petition being W.P. ( C ) 7833/2016 captioned **Pankaj Roy Wadhwa and Ors. v. CPIO O/O Registrar Cooperative Societies**. The said petition was taken up for hearing on 13.07.2017 by this Court. The petitioners were represented by Mr S.D. Wadhwa (who was also the complainant before the CIC). However, the order dated 04.03.2016 passed by a coordinate Bench of this Court dismissing the petition preferred by Sh Wadhwa – **W.P. (C ) 1764/2016 captioned S.D. Wadhwa v. CPIO O/O Registrar of Cooperative Societies, New Delhi** – was not brought to the notice of this Court. As noticed above, in the said order the Court had concluded that Sh S.D. Wadhwa had no *locus standi* to file a petition under Section 20 of the Act. Clearly, if the said order had been brought to the notice of this Court, there would be no occasion for this Court to entertain the writ petition as the complaint before the CIC was itself held to be not maintainable.

7. Since, the respondent also did not raise any issue as to the maintainability of the complaint before the CIC, this Court considered the petition on merits and remanded the matter to CIC to complete the inquiry and to determine (a) whether there was any reasonable cause for not furnishing the information within the time specified; (b) whether the information provided was incorrect and/or incomplete.

8. Pursuant to the orders passed by this Court, the CIC once again examined the matter. A plain reading of the impugned order indicates that

the CIC examined the responses received from the concerned officers. The concerned officers had explained that they had searched all available information relating to the society that was defunct over 30 years ago. They had claimed that the records were not readily traceable yet the concerned officers had provided the list of 266 members sent to DDA on 18.04.1984 as well as an audit report pertaining to the year 1989-90 along with balance sheet for the year 1990-91. After considering the responses of the concerned officers, the CIC held as under:-

“On perusal of records, there is nothing to say that these two officers were not positively coming forward to give the Information. It cannot be said that CIC order was not complied with. The Commission on examination found no lacunae in the oral and written submissions of officers regarding the compliance of the Commission's order dated 01.12.2008. For instance, the officers could give information about the list of members. Out of 300 members list, the respondent authority could provide 266 members list as sent to the DDA to the appellant. The Commission found that there was no denial of information without any reasonable cause. In the process of explaining their stand, the officers alleged suppression of certain material facts by the appellant with malafide intentions and raised doubts against the genuineness of the receipts presented by the appellant,”

9. In view of the above, the CIC concluded that there was no ground to impose penalty against the officers of the Public Authority. This Court finds no reason to interfere with the aforesaid order as the CIC was satisfied that there was sufficient reason for not providing the information within the specified time.

10. As noticed above, a coordinate bench of this court had concluded that the complaint before the CIC was itself not maintainable. Thus, in any view, the same was liable to be rejected.

11. The petition is, accordingly, dismissed.

12. Order *dasti*.

**VIBHU BAKHRU, J**

**JULY 05, 2018**

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