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

+ W.P.(C) 8278/2018

ANIL DUTT SHARMA Petitioner

Through: Mr J. K. Sharma, Advocate.

versus

GOVT. OF N.C.T OF DELHI AND ORS. Respondents

Through: Mr Gautam Narayan, ASC, GNCTD
with Ms Mahamaya Chatterjee,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **08.08.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to provide information sought for by the petitioner in terms of his applications dated 18.02.2017 and 09.06.2017 filed under the Delhi Right to Information Act, 2001.
2. The grievance of the petitioner is that the information as sought for was denied to the petitioner and further the orders passed in the appeal preferred by the petitioner have also not been complied with.
3. The learned counsel appearing for the petitioner further states that the petitioner had paid an aggregate sum of ₹2150/- for the information and at least the amount paid by the petitioner ought to be refunded to him.
4. It is also seen that after the Delhi Right to Information Act, 2001 received the assent of the Lt Governor of Delhi on 14.05.2001 and came into

force on 02.10.2001. The said legislation can be related to Entry 12 of List III of the Seventh Schedule of the Constitution of India, which is set out below:-

“12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.”

5. The parliament has enacted the Right to Information Act, 2005, which came into force on 12.10.2015. The said enactment contains comprehensive provisions for disclosure of information. This Court is of the *prima facie*, view that the Right to Information Act, 2005 would now override the Delhi Right to Information Act, 2001 as it would occupy the entire legislative field.

6. In ***State of Orissa & Anr. v M.A Tulloch & Co.: 1964 (4) SCR 461***, the Supreme Court had considered the question whether the Orissa Mining Areas Development Fund Act, 1952 would continue to be applicable after the Mines and Minerals (Regulation and Development) Act, 1957 had come into effect. The Supreme Court held that the Central Act had impliedly repealed the earlier State Act as it occupied the same field.

7. It is not necessary to consider this issue in these proceedings and the question is left open to be considered in an appropriate case.

8. The grievance of the petitioner regarding refund of the amount paid is justified. In view of the aforesaid, respondent no.3 is directed to refund the amount as paid by the petitioner (an aggregate sum of ₹2150/-) within a period of eight weeks from today.

9. It is clarified that the petitioner is at liberty to file an appropriate

application under the Right to Information Act, 2005 and which will be considered in accordance with law.

10. The petition is disposed of with the aforesaid directions.

11. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 08, 2018
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