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

+ **W.P.(C) 7712/2018**

CENTRAL PUBLIC INFORMATION OFFICER, INTELLIGENCE
BUREAU, MINISTRY OF HOME AFFAIRS Petitioner

Through

versus

URMILESH KUMAR Respondent

Through: Mr Rajesh Gogna, CGSC with Ms
Liu Gangmei, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.07.2018

1. The petitioner has filed the present petition impugning an order dated 08.05.2018 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC'), allowing the respondent's second appeal against an order dated 05.07.2017 passed by the First Appellate Authority (FAA).

2. The respondent has filed an application dated 08.04.2017 under the Right to Information Act, 2005 (hereafter 'RTI Act') seeking information regarding his exit and entry into India from 15.12.2007 to 03.06.2009, as the endorsements made on his passport were not readable. The petitioner denied the aforesaid request by a letter dated 16.05.2017, *inter alia*, on the ground that information sought for by the respondent pertained to Bureau of Immigration/ Intelligence Bureau and in terms of Section 24(1) of the RTI

Act, the said organisations were excluded from the purview of the RTI Act.

3. Aggrieved by the denial of information, the respondent preferred an appeal under Section 19 of the RTI Act before the FAA. The said appeal was also rejected by an order dated 05.07.2017. Aggrieved by the same, the respondent preferred a Second Appeal under Section 19(3) of the RTI Act before the CIC, which was allowed by the impugned order. The CIC noted that the respondent's case was one of genuine hardship and following its earlier decision in **Mr M. Dinesh v. PIO, Bureau of Immigration**, CIC/INBRU/A/2017/118048 decided on 07.05.2018, allowed the respondent's appeal.

4. The decision of the CIC dated 07.05.2018 passed in **M. Dinesh v. PIO** was challenged by the petitioner by filing a writ petition (W.P.(C) 7383/2018), which was disposed of by this Court by an order dated 24.07.2018. While, this Court declined to interfere with the said order, the question of law was left open to be considered in an appropriate case.

5. Mr Gogna, the learned counsel appearing for the petitioner does not dispute that the present case also involves genuine hardship and the CIC's finding in that regard cannot be faulted.

6. Considering that it is not disputed that this is a case of genuine hardship, this Court is not inclined to entertain the present petition. It is also relevant to note that there would be no occasion for the respondent to seek the information as sought by him if the concerned officers had ensured that the endorsements made on his passport were clear and legible.

7. In view of the above, the present petition is dismissed. However, the question whether the organisations in question are excluded from the purview of the RTI Act is left open to be considered in an appropriate case.

VIBHU BAKHRU, J

JULY 25, 2018

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