

\$~2

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

+ W.P.(C) 9320/2018

RAJ KUMAR SHARMA

..... Petitioner

Through: Mr. T. S. Pandey, Advocate

versus

CENTRAL PUBLIC INFORMATION COMMISSION
AND ANR.

..... Respondents

Through: Mr. Rahul Sharma and

Mr. C. K. Bhatt, Advocates for R-1

Mr. Ravinder Singh, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.09.2018**

1. The petitioner has filed the present petition impugning an order dated 07.02.2018 passed by the Central Information Commission (hereafter “the CIC”) in the second appeal preferred by the petitioner under Section 19(3) of the Right to Information Act, 2005 (hereafter “the Act”). In the impugned order, the CIC had observed that the information as sought by the appellant was not in the nature of a query and had directed respondent no.1 to provide a revised reply to the appellant within a period of 15 days from the date of receipt of the impugned order.

2. The petitioner had filed an application dated 17.08.2016 under the Act, *inter alia*, seeking the following information:-

1. That as per the notification, whether there is any

document which reflects the allotment of the lands to overseas communication Services?

2. Whether there is any document which reflects, as to the process of acquisition of the lands by the Land Acquisitions Collector, under the Land Acquisition Act, 1894, and the transfer of the said Land to the overseas communication Services?

3. Whether, other than the Office Memorandum no.G.25015/6/86-oc dated 27.03.1986, as well as office letter dated 23.10.2001, the department has transferred the land under the award of 1497 to VSNL by any other notification as such, if so kindly supply the documents pertaining to it.”

3. The concerned Public Information Officer (respondent no.1) did not provide the said information by stating that the same was not available with the particular section. Aggrieved by the same, the petitioner preferred an appeal dated 18.11.2016 before the First Appellate Authority under Section 19 of the Act. The said appeal was also dismissed by an order dated 09.12.2016. In the second appeal preferred by the petitioner, it was contended on behalf of respondent no.1 that the information sought was in the nature of a query. This contention was rejected and respondent no.1 was directed to send a revised reply to the petitioner.

4. A plain reading of the application filed under the Act, indicates that the petitioner raised certain queries which were not required to be responded to by respondent no.1. However, copies of documents, as sought by the petitioner ought to have been provided to him, if so available with the concerned authority.

5. It is pointed out that in compliance with the impugned order, respondent no.1 sent a revised response dated 03.04.2018 stating that respondent no.1 did not possess any information. It was further stated that by the impugned order, the concerned organisations were also requested to furnish the relevant information but the desired input/information has not been furnished by them.

6. The petitioner made a further complaint to the CIC regarding the non-compliance of the impugned order. The same was considered by the CIC on 28.05.2018 and the petitioner's contention was rejected. The said order dated 28.05.2018 is not impugned in these proceedings.

5. In view of above, no interference with the impugned order – which, in fact, is in favour of the petitioner – is warranted. Plainly, respondent no.1 cannot be called upon to provide any information that it does not possess or has access to.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 19, 2018
NR