

IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 06.08.2018

+ **W.P.(C) 6341/2015 and CM Nos. 11546/2015 & 35797/2016**

UNION OF INDIA

..... Petitioner

versus

MANJIT SINGH BALI

..... Respondent

AND

+ **W.P.(C) 1803/2018 and CM No. 7410/2018**

UNION OF INDIA

..... Petitioner

versus

MANJIT SINGH BALI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr R.V. Sinha and Mr A.S. Singh.

For the Respondent: Mr Ankur Chawla, Ms Kalyani Lal and Mr Sangram Hooda.

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HON'BLE MR JUSTICE VIBHU BAKHRU

JUDGMENT

VIBHU BAKHRU, J

1. The petitioner (UOI) has filed the present petitions under Article 226 and 227 of the Constitution of India impugning the orders dated 20.01.2015 (impugned in W.P.(C) 6341/2015) and 30.06.2017 (impugned in W.P.(C) 1803/2018) passed by the Central Information Commission (hereafter

‘CIC’) allowing the second appeals preferred by the respondent under Section 19(3) of the Right to Information Act, 2005 (hereafter ‘the RTI Act’). The said orders are, hereafter, referred to as the impugned orders.

2. By the impugned orders, the CIC has rejected the PIO’s (Public Information Officer’s) contention that the disclosure of the file notings pertaining to sanction of prosecution of the respondent would impede the process of investigation and, therefore, the information as sought is exempt from disclosure under the RTI Act. Accordingly, the CIC has directed the concerned PIO to provide the information as sought by the respondent.

3. The petitioner has assailed the impugned orders, essentially, on the ground that the information as sought by the respondent is exempted from disclosure in terms of Section 8(1)(h) of the RTI Act. It is further contended that the documents as sought by the respondent include information received from Central Bureau of Investigation (CBI), which is a third party and is also excluded from the purview of the RTI Act in terms of Section 24(1) of the RTI Act.

Factual Background

4. The respondent was working as a Chief Postmaster General, Maharashtra and Goa Circle, Mumbai. On 24.02.2010, the respondent was caught by the Central Bureau of Investigation (CBI) while allegedly accepting bribe and, on the next day, he was arrested. Consequently, by an order dated 04.03.2010, he was placed under deemed suspension from his post with effect from 25.02.2010.

5. Thereafter, the CBI conducted an inquiry and submitted its report on 22.10.2010. In view of the said report, the Central Vigilance Commission (CVC) approved sanction for prosecution as well as Regular Departmental Action (RDA) for major penalty against the respondent. On 13.12.2010, sanction of prosecution of the respondent under Section 19 of the Prevention of Corruption Act, 1988 was issued with the approval of the competent authority. Further, RDA was also commenced against the respondent. A chargesheet was issued and an Inquiry Authority was appointed for the said purpose.

6. On 16.08.2011, the respondent filed an application under the RTI Act seeking copies of certain documents and files in relation to the sanction of prosecution against him.

7. The concerned PIO responded by a letter dated 27.09.2011, denying the said request. Aggrieved by the same, the respondent preferred an appeal on 15.10.2011 under Section 19(1) of the RTI Act to the First Appellate Authority (FAA), which was also rejected by an order dated 18.11.2011. Aggrieved by the said order, the respondent preferred a second appeal under Section 19(3) of the RTI Act. The second appeal was allowed by an order dated 20.01.2015 (which is impugned in W.P. (C) 6341/2015) directing the concerned PIO to provide the respondent with the information and the documents as sought by him – File notings relating to the sanction of his prosecution and the copies of certain documents. This led the petitioner to file first of the present petitions – W.P. (C) 6341/2015 – before this Court.

8. During the pendency of the aforesaid writ petition, the Central Government once again accorded sanction of prosecution, under the provisions of the Prevention of Corruption Act, 1988, against the respondent by an order dated 03.03.2015. It was alleged that the respondent held disproportionate assets during the period 01.04.2002 to 25.02.2010. Thereafter, on 26.03.2015, the CBI filed a charge sheet in the Special Court, Greater Bombay against the respondent.

9. On 18.02.2017, the respondent once again took the recourse to the RTI Act and filed an application dated 18.02.2017 seeking the following information:-

“1. Authenticated photocopy the entire file wherein the said prosecution sanction against Shri Manjit Singh Bali, the then Chief PMG was accorded and conveyed to the CBI.

2. Were any statements of Shri Manjit Singh Bali, explaining his income and/or assets to CBI received from the CBI while seeking prosecution sanction in the above said case, at any stage.

3. If yes, details of that and authenticated copies of those statements may be supplied.

4. An authenticated copy of the draft prosecution sanction sent by the CBI in the above said case may be supplied.”

10. On 27.02.2017, the respondent responded to the aforesaid application. In the said reply, it was stated that although a copy of the

prosecution sanction would be made available to the respondent, the other information could not be provided as it is likely to impede the process of investigation.

11. Aggrieved by the aforesaid reply, on 06.03.2017, the respondent filed an appeal under Section 19(1) of the RTI Act, before the FAA. The said appeal was disposed of by an order dated 21.03.2017 holding that the documents as sought are 'confidential' in nature and are lying in custody of the CBI. The respondent, being not satisfied by the aforesaid decision dated 21.03.2017, preferred a second appeal on 10.05.2017 before the CIC under Section 19(3) of the RTI Act.

12. The CIC allowed the said appeal by an order dated 30.06.2017 (the order impugned in W.P.(C) 1803/2018) directing the concerned PIO to provide the copies of file noting/correspondence relating to the sanction of prosecution of the respondent.

13. Aggrieved by the order dated 30.06.2017 passed by the CIC, the petitioner filed second of the present petitions – W.P. (C) 1803/2018 – before this Court.

Submissions

14. Mr Sinha, learned counsel appearing for the petitioner contended that the information as sought for by the respondent was exempt from disclosure by virtue of Section 24(1) of the RTI Act. He submitted that although the petitioner was not an organization that was listed in the Second Schedule to the RTI Act, nonetheless, the information as sought for

by the respondent would be excluded from the purview of the RTI Act, since it is based on the information that was furnished by the CBI (one of the organizations in the Second Schedule to the RTI Act). He fairly conceded that this issue is squarely covered by the decision of a Coordinate Bench of this Court in ***CPIO, Intelligence Bureau v. Sanjiv Chaturvedi : W.P. (C) 5521/2016, decided on 23.08.2017***. He, however, submitted that the petitioner was in the process of preferring an appeal against the said decision.

15. Mr Sinha contended that the information as sought was exempt from disclosure under Section 8(1)(h) of the RTI Act, as the said information would impede the progress of prosecution of the offender in question. The CIC had referred to the decisions of this Court in ***S.M. Lamba v. S. C. Gupta and Ors. : W.P. (C) 6226/2007, decided on 04.05.2010*** and ***Sudhirranjan Senapati v. Union of India and Ors. : W.P. (C) 7048/2011, decided on 05.03.2013***. He submitted that the said decisions were rendered *per incurium*, as they did not take into account an earlier decision of this Court in ***Surinder Pal Singh v. Union of India & Ors. : W.P. (C) 16712/2006, decided on 10.11.2006***. He referred to the said decision and submitted that in ***Surinder Pal Singh*** (*supra*), this Court had rejected the contention that the information, which was otherwise exempt from disclosure in terms of Section 8(1)(h) of the RTI Act, was required to be disclosed after the process of investigation had been completed and charge sheet had been filed. In that case, the Court held that even after the charge sheet had been filed, the public authority could harbour an apprehension that the disclosure of such information would impede the prosecution of the

offender. He emphasised that the Court had further observed that the question whether the public authority had any such apprehension would have to be decided by the public authority, and such decision could not be questioned. He also referred to the decision of the Division Bench of the Punjab and Haryana High Court in ***Hemant Goswami v. Central Bureau of Investigation: AIR 2014 P&H 104*** in support of his contention.

16. Mr Chawla, learned counsel appearing for the respondent countered the aforesaid submissions. He referred to the decision of the Division Bench of this Court in ***Director of Income Tax (Investigation) and Another v. Bhagat Singh & Anr. : LPA No. 1377/2007, decided on 17.12.2007***. He submitted that after the investigations are over, the information in question was not exempt from disclosure as the same could not impede the investigation of the offender.

Reasons & Conclusions

17. The first and foremost question to be addressed is whether the information, as sought for by the respondent, is excluded from the purview of the RTI Act by virtue of Section 24(1) of the RTI Act. In this regard, it is relevant to state, at the outset, that no such exclusion was claimed by the CPIO while denying the information as sought for by the respondent. At this stage, it would be relevant to refer to the letter dated 16.08.2011 sent by the respondent, which indicates the information as sought by him. The said letter is set out below:-

“To
Secretary

Department of Posts
Dak Bhawan, Sansad Marg
New Delhi

Dated: 16th August 2011

Subject: **RTI Query**

Kindly supply me with authenticated copies of the following documents:

- i Note sheet pages 1 to 19 and correspondence pages 1-19 – with a total of 73 pages of the PMG Mumbai Region file no. Bldg/4-37/Mauje Bhayander/82-83 cited in your no. 16-5/2011-Vig dated 20.6.2010 sent to Shri MS Bali, Chief PMG (u/s), Maharashtra & Goa, Mumbai.
- ii CBI ACB Mumbai letter no. DP 026 2010/96/RC.6(A)/2010 dated 26.2.2010 sent to Department of Posts along with CBI/ACB Mumbai FIR no. RC BA1/2010/A0006 dated 18.2.2010, cited in your no. 16-5/2011-Vig dated 20.6.2010 sent to Shri MS Bali, Chief PMG (u/s), Maharashtra & Goa, Mumbai.
- iii Statements, recorded at any stage between 16.2.2010 and 03.8.2011, of the persons in the list of witnesses in the memo of charges no. 16-5/2011-Vig dated 20.6.2010 served on Shri MS Bali, Chief PMG (u/s), Maharashtra & Goa circle. The concerned persons were Shri GR Nagrale, Smt Abha Singh, Shri B. Chandrashekhar, Shri PC Singh, Smt Rita Shah, and Shri SD Kadlag.
- iv Report(s) of the enquiry (ies) conducted by the officers of the Department of Posts before issue of the memo no. 16-5/2011-Vig dated 26.6.2010, and

statements, if any, recorded during the said enquiry (ies).

- v Citizen charter of the Department of Posts, and any other documents prescribing time limits for disposal of requests received from public etc.

2. In addition, I may be allowed to inspect the following files/documents, and take copies of such papers as are requested by me after inspection:

- i PMG Mumbai Region file no.Bldg/4-37/Mauje Bhayarider/82-83 dealing with grant of NOC in the plot at Mira Bhayander, Thane District.
- ii CPMG Maharashtra Circle file dealing with grant of NOC in the same plot.
- iii Files in Postal Directorate and offices of CPMG Maharashtra and PMG Mumbai Region relating to cancellation of NOC granted in the case of Mira Road-Bhayander Plot
- iv PMG Mumbai Region files relating to requests for grant/refusal of NOC in all cases in last 20 years. Specifially, and not exclusively, cases of Naupada Post Office (Jumma Masjid plot), Juhu, Lal Bagh. The list if not exhaustive.
- v CPMG Maharashtra & Goa Circle files relating to requests for grant/refusal of NOC in all cases in last 10 years – e.g. cases of Naupada Post Office (jummia Masjid plot), Juhu, Lal Bagh. The list is not exhaustive.
- vi Postal Directorate (Estates Division) files dealing with the grant/refusal of NOC for Naupada Post Office (Jumma Masjit plot) in Thane.

- vii Files in the offices of PMG Mumbai Region and CPMG Maharashtra for grant of NOC in respect of other 5 plots, i.e. sites nos. 161, 163, 251, 286 and 296 in Mira Bhayander and Navgarh in Thane District.
- viii Files in PMG office, Mumbai Region and CPMG Office Maharashtra where office of MoS (C&IT) had desired vacation of rented buildings occupied by post offices, during the years 2008, 2009 and 2010 in Mumbai and other Regions.
- ix Files containing Cabinet Summary/ Monthly Reports sent by CPMG Maharashtra & Goa to Secretary (Posts) and other officers from August 2008 to February 2010.
- x Files in the office of CPMG containing reports sent by CPMG Maharashtra to Postal Directorate from 25.2.2010 till the issue of the present memo dated 20.6.2010 in connection with the criminal charge and departmental disciplinary action against Shri MS Bali.
- xi File(s) in the Postal Directorate relating to grant of Prosecution sanction on 13.12.2010 against Shri MS Bali.
- xii File(s) in Postal Directorate relating to placing Shri MS Bali under suspension, and periodic extension of suspension thereafter.
- xiii File(s) in the Postal Directorate from 25.2.2010 where decision was taken to issue the charge sheet vide memo no. 16-5/2011-Vig dated 20.6.2010 against Shri MS Bali.

xiii Files in the Estates Division of Postal Directorate relating to the policy regarding acquisition of plots of the Department.

3. An Indian Postal Order of Rs. 10 bearing no. 90E 743523, drawn in favour of Secretary, Department of Posts, is enclosed towards the fee.

The information may kindly be supplied by Speed Post or Registered Post at the address of the Applicant given below his signature. I may also be informed how and when can I inspect the files/documents mentioned above.

Thanks

Yours Truly

Mumbai, the 16th of August 2011

Sd/-

(M.S. Bali)

Flat no.22, Belvedere
Bhulabhai Desai Road
Mumbai 400026

Email: manjitbali@gmail.com

Tel: 022-23643647, +919987835467”

18. The CPIO responded to the aforesaid request by a reply dated 27.09.2011 denying the information sought for by the respondent by stating that no memo of charges dated 20.06.2010 had been issued by the Department of Posts to the respondent. In regard to the request for inspection of files, the CPIO denied the same on the ground that the criminal prosecution initiated against the respondent in the designated CBI

Court, was pending and, therefore, the information as sought for could not be disclosed in view of Section 8(1)(h) of the RTI Act.

19. It is apparent from the above that the CPIO had not denied the information sought for by the respondent on the ground that it was excluded under Section 24(1) of the Act; it was denied as, according to the CPIO, such disclosure was exempt from disclosure under Section 8(1)(h) of the RTI Act. Concededly, this was also not the stand of the public authority in question before the CIC. Thus, it is apparent that the said contention is a mere afterthought now being raised in these proceedings.

20. Mr Sinha had contended that the question whether the information was excluded from the purview of the RTI Act is a question of law and, therefore, could be raised at any stage. This contention is bereft of any merit as well. It is well settled that all information is covered under the purview of the RTI Act, unless it is expressly exempt from disclosure under Section 8 of the RTI Act or excluded from the purview by virtue of Section 24(1) of the RTI Act. The question whether the information is exempted under Section 8(1)(h) of the RTI Act or is excluded under Section 24(1) of the RTI Act has to be founded on certain factual premises. In order to claim exclusion under Section 24(1) of the RTI Act, the public authority must establish that the information sought for by the information seeker had been provided by an organization listed in the Second Schedule to the RTI Act. There is no indication that the notings relating to sanction of prosecution – which is sought to be denied to the respondent – is information that was received from an organization listed in the Second Schedule of the RTI Act. That absence of the public authority expressly affirming so, the

question of claiming exclusion from the RTI Act would not arise. Even if it is assumed that certain information, which has been denied to the respondent, was received from the CBI, the question of withholding the same would not arise if such information related to human rights violation or corruption. In the present case, *prima facie*, the information as sought for by the respondent relates to an allegation of corruption. Such information has been carved out from the exclusion under Section 24(1) of the Act and, therefore, would squarely fall within the cover of the RTI Act. Since, the factual foundation for claiming exclusion under Section 24 (1) of the RTI Act was not laid by the public authority or the CPIO before the CIC, it would not be apposite to permit the petitioner to raise this issue in these proceedings.

21. Having stated the above, it is also necessary to observe that it was readily conceded by Mr Sinha that the issue whether the information sought is excluded from the purview of the RTI Act was squarely covered by the decision of a Coordinate Bench of this Court in ***CPIO, Intelligence Bureau v. Sanjiv Chaturvedi*** (*supra*). This Court concurs with the view expressed in the said decision.

22. The next question to be examined is whether the denial of information sought for by the respondent is justified in terms of Section 8 (1) (h) of the RTI Act. Section 8(1)(h) of the RTI Act is set out below for ready reference:-

“8. Exemption from disclosure of information. –
Notwithstanding anything contained in the Act, there shall be no obligation to give any citizen-

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XXXXX

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(h) information which would impede the process of investigation or apprehension or prosecution of offenders;”

23. A plain reading of the aforesaid provision indicates that in order to deny information under Clause (h) of Section 8 (1) of the RTI Act, it must be established that the information sought is one which would impede the process of investigation or apprehension or prosecution of the offenders. In the facts of the present case, a charge sheet has already been filed and, therefore, the investigation stage is now over. Thus, in order for the petitioner to claim exemption from disclosure under Clause (h) of Section 8(1)(h) of the RTI Act, it would be essential for the petitioner to indicate as to how such information would impede the investigation or apprehension or prosecution of the offender. In ***Director of Income Tax (Investigation) and Anr. v. Bhagat Singh & Anr.*** (*supra*), a Division Bench of this Court had observed as under:-

“Under Section 8(1) (h) information can be withheld if it would impede investigation, apprehension or prosecution of offenders. It is for the appellant to show how and why investigation will be impeded by disclosing information to the appellant. General statements are not enough. Apprehension should be based on some ground or reason.”

24. In the present case, the petitioner has not indicated any possible reason or ground to establish that the disclosure of information as sought by the petitioner would impede prosecution of the offender. It is also relevant to observe that denial of any information available with a public

authority, which could assist an alleged offender from establishing his innocence or for pursuing his defence may, in fact, impede the course of justice. After the investigations are complete, the information as sought by the respondent can be denied under Section 8(1)(h) of the RTI Act only if the public authority apprehends that such disclosure would interfere with the course of prosecution or in apprehending the offenders. It will not be open for the public authority to deny information on the ground that such information may assist the offender in pursuing his defence (and therefore impede his prosecution). This is clearly not the import of Section 8(1)(h) of the RTI Act.

25. It is also necessary to bear in mind that the RTI Act is a statutory expression of one of the facets of Article 19(1)(a) of the Constitution of India and any exclusionary clause under the RTI Act must be construed keeping in view the object for providing such exclusion. By virtue of Article 19 (2) of the Constitution of India, reasonable restrictions in exercise of rights under Article 19(1)(a) of the Constitution of India are sustainable if they are in the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. The exclusion under Section 8(1)(h) of the RTI Act – information which would impede process of investigation or apprehension or prosecution of the offenders – has to be read in conjunction with Article 19(2) of the Constitution of India. Such denial must be reasonable and in the interest of public order.

26. The decision of the Division Bench of this Court in *Director of*

Income Tax (Investigation) and Anr. v. Bhagat Singh And Anr. (supra) has been followed in a number of decisions including in the case of *Sudhirranjan Senapati v. Union of India and Ors. (supra)*, which was referred to by the CIC in drawing support for its decision. The contention that the decision in the case of *Sudhirranjan Senapati (supra)* and *S.M. Lamba v. S. C. Gupta and Ors.(supra)* are *per incurium* is unmerited in view of the authoritative decision by the Division Bench of this Court in the case of *Bhagat Singh & Anr (supra)*. The decision of the Coordinate Bench of this Court rendered in *Surinder Pal Singh v. Union of India & Ors (supra)* is of little assistance or relevance in the light of the subsequent decision rendered by the Division Bench in *Bhagat Singh & Anr. (supra)* and the decisions of a Coordinate Bench of this Court rendered in *Deputy Commissioner of Police v. D.K. Sharma : W.P. (C) 12428/2009, decided on 15.12.2010; B.S. Mathur v. Public Information Officer of Delhi High Court : W.P. (C) 295/2011, decided on 03.06.2011; and Union of India v. O.S. Nahar : W.P. (C) 3616/2012, decided on 22.04.2015.*

27. The respondent had also filed an application dated 18.02.2017 seeking certain information relating to sanction of prosecution accorded by the Chief Post Master General (Chief PMG) and conveyed to the CBI and other correspondence/ documents/information pertaining to the sanction of prosecution. The said information was denied to the respondent by a letter dated 27.02.2017, *inter alia*, stating that the matter was pending before this Court. However, it is relevant to note that this Court had not granted any interim relief to the petitioner in W.P. (C) 6341/2015 despite the petitioner seeking such relief. Nonetheless, the petitioner has denied the information

as sought for by the respondent.

28. Interestingly, the First Appellate Authority had forwarded the petitioner's application to the CBI under Section 6 of the RTI Act. The said decision is sought to be justified on the ground of Section 11 of the RTI Act. Section 11 of the RTI Act is set out below for ready reference:-

“11. Third party information.—

(1) Where a Central Public Information Officer or the State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information: Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as

the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.”

29. It is, at once, clear that that Section 11 of the RTI Act is inapplicable in the present case, as the information sought does not relate to any third party but to the departments/organisations of the State and the respondent. Further, the procedure as referred to in Section 11 of the RTI Act does not entail forwarding the RTI application under Section 6 of the RTI Act. This action is clearly without authority of law. This Court had considered this issue on 26.02.2018. The relevant extract of the said order is set out below:-

“3.3 This step has been taken, according to Mr. Sinha, inconsonance with the provisions of Section 11 of the RTI Act, 2005 (here after "RTI Act"). Prima facie the method

adopted by the First Appellate Authority does not appear to be in order. Instead of deciding the appeal of the appellant i.e., the respondent herein, DOP has washed its hands by dispatching the information/correspondence available with it to CBI.

3.4 To my mind, prima facie, Section 6 of the RTI Act would have no applicability. This provision enables the Public Authority to transfer the application seeking information to another public authority if information is held by such authority or to such public authority with which the subject matter qua which information is sought is more closely connected. The information in this case was, in fact, held by DOP. The DOP, it appears, has used the device of dispatching the information available with it to CBI to lend impregnability to the stand taken by it, which is, that the information cannot be accessed by the respondent.

3.5 Likewise, Section 11 of RTI Act has been erroneously taken recourse to, in the facts of this case, for the following reasons. First, CBI is not a third party. It is a part of Union of India, that is, the petitioner herein. DOP and CBI are two authorities amongst many others which are housed under the umbrella of Union of India. Second, the petitioner, if it wanted to treat the information as third party information, it was required to issue notice to CBI. If upon receipt of notice, had CBI taken an objection to the release of information, the petitioner would then have had to take a decision bearing mind the mandate of the first proviso to Section 11, which requires it to ascertain as to whether public interest in disclosure outweighs any possible harm to the interest of CBI. In my view, the language of Section 11 is suggestive of the fact that CBI

does not fall within its ambit. This is so as CBI has a protective shield around it in the form of Section 24 of the RTI Act. The legislative shield engrafted in Section 24 has certain exceptions which I need not deliberate upon, presently.”

30. Mr Sinha has been unable to present any contention that would even remotely justify the FAA’s action in taking recourse to Section 6(1) of the RTI Act.

31. In view of the above, the present petitions are unmerited and this Court finds no infirmity with the orders (the impugned orders) passed by the CIC.

32. Before concluding, it is relevant to mention that the respondent has not been provided the information as sought for by him as yet. The CIC’s orders impugned in the present petitions have not been complied with. As noticed above, the impugned orders dated 20.01.2015 (impugned in W.P.(C) 6341/2015) and 30.06.2017 (impugned in W.P.(C) 1803/2018) had not been stayed by this Court and, thus, were required to be complied with. In W.P. (C) 1803/2018, this Court had passed a specific order expressly rejecting the petitioner’s application for stay of the impugned order. Despite the same, the information as sought for by the respondent is being wilfully withheld. *Prima facie*, this conduct does invite punitive measures as contemplated under Section 20 of the RTI Act. It would be open for the respondent to file complaint in this regard. Needless to state that if such complaint is filed, the CIC would examine the same in accordance with law.

33. The petitions are dismissed with the aforesaid observations. All pending applications are also disposed of. The parties are left to bear their own costs.

VIBHU BAKHRU, J

AUGUST 06, 2018

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