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

+ W.P.(C) 8997/2016 & CM Nos. 36504/2016 & 47536/2016

HOCKEY INDIA

..... Petitioner

Through: Mr Rajiv Nayyar, Sr. Advocate with
Ms Shyel Trehan, Ms Manjira
Dasgupta and Ms Akshita Sachdeva,
Advocates.

versus

CENTRAL INFORMATION COMMISSION
& ANR

..... Respondents

Through: Mr Sanjeev Narula, CGSC with Mr
Hammad Khan, Advocates for R-1.
Mr Aditya Kumar Choudhary and Ms
Sharanya Sinha, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.07.2018

1. The petitioner has filed the present petition impugning an order dated 01.09.2016 (hereafter the 'impugned order') passed by the Central Information Commission (hereafter 'the CIC') allowing respondent no.2's second appeal under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act').
2. Mr Nayyar, learned senior counsel appearing for the petitioner contended that the impugned order was passed by erroneously recording the concession stated to have been made by the learned counsel for the petitioner. He submitted that an affidavit indicating that no concession was made with respect to information sought at point nos.3 & 5 (the amount of

commission paid for getting sponsorship during the past three years alongwith the names, addresses of the persons/agencies who were paid the commission; and expenditure incurred on consultancy and legal expenses in the last two years with name of each consultants and lawyers engaged by Hockey India and Hockey India League) has been filed by the counsel appearing for the petitioner before the CIC. He further submits that the impugned award is, essentially, unreasoned and, therefore, liable to be set aside.

3. The learned counsel appearing for the respondents seriously dispute the contention that the concession as stated was not made by the learned counsel for the petitioner. However, this Court is not inclined to enter into the said controversy. Undisputedly, the CIC has not provided any reasons for allowing the appeal. This is apparent from a plain reading of paragraph no.6 of the impugned order, which is set out below:

“6. On careful perusal of the nature of issues no.2, 3 & 5, as raised by the appellant in his RTI application dated 13.09.2015 and respondent’s response dated 09.10.2015, it is revealed to the Commission that the respondents have denied the required information to the appellant by stating that the information is already available in Public Domain i.e. <http://hockeyindia.org> & <http://league.hockeyindia.org/> against these issues (i.e. issues no.2, 3 & 5). On this, it is submitted by Shri Sameer Bahadur that respondent’s portal (<http://hockeyindia.org>. & <http://league.hockeyindia.org/>), is quite incomplete, however, the respondents are taking such plea for the name sake and to deprive the appellant from having the required information. On this, it is submitted by Ms Shyel Trehan, learned Advocate that her client’s portal is

quite complete and she is even ready to give a print thereof containing the complete information on issues no.2, 3 & 5, if need be. As such, the Commission thinks that it is not only appropriate but also seems to be justified to accede the learned advocate's request in the circumstances of the case. Thus, acceded to."

4. In view of the above, this Court considers it apposite to set aside the impugned order and remand the matter to the CIC to consider it afresh after hearing all the parties. It is so directed.

5. This Court further requests CIC to consider the said appeal and dispose of the same within a period of 12 weeks from today.

6. It is clarified that this Court has not expressed any opinion on the question whether the information as sought for by respondent no.2 is exempt from disclosure in terms of Section 8 of the Act and nothing stated herein should be construed as such.

7. The petition is disposed of in the above terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

JULY 10, 2018

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