

\$~17

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

+ W.P.(C) 10240/2016 & CM APPL. 40417/2016

M/S NEGOLICE INDIA LIMITED Petitioner

Through: Mr. Sumesh Dhawan, Ms. Ankita
Bajpai, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR Respondents

Through: Mr. Kunal Sharma, Mr. Sutaksh Saini,
Advocates for R1.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **13.11.2018**

1. None appears on behalf of respondent No. 2/Indraprasatha Sewa Sangh, despite service being effected upon it.
2. Vide the present writ petition, the petitioner has impugned an order dated 21.09.2016 passed by the Central Information Commission dealing with the File No. CIC/YA/A/2016/000075.
3. Learned counsel for the petitioner submits that the respondent No. 2 had sought certain information under Section 7 of the Right to Information Act, 2005 from Public Information Officer, NDMC, pertaining to the petitioners Group housing Society namely M2k Victoria Gardens situated at the Ring road, Azadpur Delhi.

4. Respondent No. 1 herein sent a notice to the petitioner under Section 11 of the Right to Information Act, 2005, regarding consent for providing third party information.

5. In reply to their letter dated 11.05.2015 of respondent No. 1, the petitioner wrote to the respondent No. 1 that the information sought in subject RTI application was of private nature, confidential and privileged information of the company and do not relate to any public interest and the same cannot be disclosed to a third party. Therefore, the petitioner refused to grant consent to disclose/provide the information to the respondent No. 2.

6. Vide a communication dated 29.07.2015, the respondent No. 1 informed the respondent No. 2 that the information sought could not be furnished, the same being third party information.

7. Respondent No. 2 filed second appeal before Central Information Commission on 23.12.2015, which came up for hearing on 21.09.2016.

8. Learned counsel for the petitioner further submits that the petitioner was not called for a hearing in the appeal filed before the Central Information Commission, which is a clear violation of Section 19 (4) of the Right to Information Act which mandates for reasonable opportunity of being heard to a third party and since, the personal information pertaining to the petitioner was sought to be supplied, the petitioner was entitled to a notice prior to disposal of the appeal preferred by respondent No. 2 before the Central Information Commission.

9. It is further established from the above that no such notice was issued to the petitioner and as such, the Principles of Natural Justice have not been complied with. Moreover, as per the sub-clause (4) of Section 19 of the Right to Information Act, 2005, if the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

10. In the present case, it is clear that the petitioner has not been given an opportunity of being heard.

11. Accordingly, I am of the considered view that order dated 21.09.2016 was passed in violation of the Principles of Natural Justice. Consequently, the impugned order dated 21.09.2016 passed by the Central Information Commission in File No. CIC/YA/A/2016/000075 is hereby quashed.

12. The writ petition is accordingly, disposed of.

SURESH KUMAR KAIT, J

NOVEMBER 13, 2018

j