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

+ W.P.(C) 6825/2015

FOOD AND SUPPLY DEPARTMENT

..... Petitioner

Through: Mr Santosh Kumar Tripathi, ASC  
(Civil), GNCTD.

versus

SMT. PREMA DEVI

..... Respondent

Through: Mr Prashanto Chandra Sen, Sr.  
Advocate with Ms Parth Krhatta,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**02.08.2018**

1. The petitioner has filed the present petition impugning the orders dated 26.09.2014 and 30.03.2015 passed by the Central Information Commission (hereafter 'CIC'). By the impugned order dated 26.09.2014, the CIC had directed the petitioner to pay a sum of ₹26,000/- to the respondent in terms of Section 19(8)(b) of the Right to Information Act, 2005 (hereafter 'the Act'). The said decision is predicated on the basis that the petitioner was obliged to inform the respondent that her ration card was being deactivated on account of the notification, which required recording of her biometrics.
2. The CIC had noted that the respondent belongs to the BPL (below the poverty line) category and, therefore, it was incumbent on the petitioner to provide the information regarding the reasons for deactivation of the ration

card to the holders in terms of Section 4(1)(d) of the Act. The CIC observed that the respondent was deprived of rations for about 26 months and proceeded on the basis that the respondent would be entitled to ₹1,000/- per month being the difference in the price of commodities in the open market and the price at which commodities were available to the BPL card holder.

3. Since the petitioner had failed to pay the said amount, the CIC passed another order dated 30.03.2015 now imposing a penalty of ₹25,000/- on Shri Hari Prasad (the concerned CPIO).

4. The relevant facts necessary to address the controversy are that respondent had filed an application under the Act on 14.09.2012 seeking certain information, which was duly responded to on 18.10.2012. The respondent had, thereafter, filed an appeal before the First Appellate Authority, which was also disposed of on 20.12.2012. However, prior to that the petitioner had already obtained necessary information and had applied for activation of ration card on 19.12.2012.

5. Mr Triparthi, the learned counsel appearing for the petitioner submits that there has been no failure on the part of the petitioner to provide the information and, therefore, the decision of CIC to award compensation under Section 19(8)(b) of the Act is unwarranted.

6. Mr Sen, learned senior counsel appearing for the respondent submits that in terms of Clause (d) of Section 4(1) of the Act, the petitioner was obliged to provide the necessary information that affected any party. He submits that in this case the ration card of the respondent had been deactivated. However, no information prior to such deactivation was supplied to the respondent. He submits that this would be a clear violation of Section 4(1)(d) of the Act and, therefore, the decision of the CIC to award

compensation at the rate of 1000/- per month cannot be faulted.

***Reasoning and Conclusion***

7. At the outset, it has been relevant to refer Section 4(1)(d) of the Act, which is set out below:-

**“4. Obligations of public authorities.-** (1) Every public authority shall –

**XXXX**

**XXXX**

**XXXX**

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.”

8. There is no dispute that the public authority is required to provide reasons for its administrative or quasi judicial decisions to the affected persons. In the present case, the decision to deactivation ration card was not specific to the respondent but to a large number of persons. This deactivation was pursuant to the notification which was in public domain.

9. Such information was thus available in the public domain, it was not required to be specifically provided to each of every ration card holder. It is also not disputed that most of the ration card holders have pursuant to the issuance of notification subjected to themselves to the necessary procedure for recording of the biometric and issue of fresh ration card. Thus, the impugned order awarding compensation is unsustainable.

10. There is yet another aspect that is required to be considered is regarding the quantum of compensation. The impugned order indicates no basis for accepting that ₹1,000/- per month is a difference between the commodities as available in the market and as available to the BPL card holder.

11. In view of the above, this court finds it difficult to sustain the impugned order passed by the CIC. The order dated 26.09.2014 is, accordingly, set aside.

12. The impugned order dated 30.03.2015 passed by the CIC imposing a penalty of ₹25,000/- is also unsustainable since the information as sought by the petitioner in terms of the application dated 14.09.2012 was supplied on 18.10.2012. A perusal of the response of the CPIO indicates that in her application, the petitioner had, *inter alia*, sought the reason why supply of ration had been stopped. The CPIO had indicated that the same had been stopped because the ration card had been deactivated. However, he did not inform her the reasons why the ration card had been deactivated. Undoubtedly, the CPIO's response could have been more informative and meaningful. However, the same cannot be construed as denial of information warranting imposition of penalty under Section 20(1) of the Act. It is further seen that the penalty has also been imposed for the reason that the petitioner had not paid the sum of ₹26,000/-. This, plainly, contrary to the provisions of the Act as the penalty under section 20(1) of the Act can be imposed only on account of denial of information and not recording non compliance of payment of compensation.

13. Accordingly, the impugned order dated 30.03.2015 is also set aside.

**VIBHU BAKHRU, J**

**AUGUST 02, 2018**  
**MK**