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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12071/2016**

DAV COLLEGE MANGAGING
COMMITTEE

..... Petitioner

Through Mr Rajshekhar Rao, Ms Kritika Vijay,
Advocates.

versus

SHEOJI KUMAR PARAK

..... Respondent

Through Mr Sheoji Kumar Parak, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.01.2018**

1. The petitioner (hereafter 'DAV College') has filed the present petition impugning an order dated 28.11.2016 passed by the Central Information Commission (hereafter 'CIC').
2. By the impugned order, the CIC has held the petitioner to be a public authority within the meaning of Section 2(h) of the Right to Information Act, 2005 (hereafter 'the Act') and has further passed consequential directions. The impugned order was passed in a second appeal preferred by the respondent under Section 19(3) of the Act as his application dated 04.09.2014 seeking certain information had not elicited any response.
3. Mr Rao learned counsel appearing for the petitioner contended that the petitioner is not a public authority. He also drew the attention of this Court to the decision of the Punjab & Haryana High Court in ***DAV College Trust & Management Society v. Directorate of Public Instruction & Ors: AIR 2008 P&H 117***, wherein the Punjab and Haryana High Court had held

the petitioner to be a public authority and, the CIC passed the impugned order on the strength of this decision.

4. Mr Rao stated that the petitioner had filed an Special Leave Petition (SLP) before the Supreme Court impugning the decision in **DAV College Trust & Management Society** (*Supra*) and the same was pending before the Supreme Court. He also sought to contend that the fundamental premise on which the Punjab & Haryana High Court had taken the view that the petitioner was a public authority was palpably incorrect.

5. Next Mr Rao contended that the petitioner was not given any opportunity to contest the case before the CIC as the petitioner was neither provided with the copy of the first appeal stated to have been filed by the respondent nor was granted the adjournment as sought for by its Law Officer who was representing the petitioner before the CIC.

6. Insofar as the question whether the petitioner is a public authority as defined under Section 2 (h) of the Act is concerned, this Court is of the view that since the matter is pending decision in the Supreme Court, it is not necessary to examine that question in this petition. This is also considering that no order has been granted by the Supreme Court staying the decision of the Punjab and Haryana High Court and, therefore, the petitioner would in any event be required to comply with the same.

7. Insofar as the question regarding providing the information sought for by the respondent is concerned, it is seen that the information sought for by the respondent is not exempt from disclosure under Section 8 of the Act. Therefore, if such information is available with the petitioner, the same

ought to be provided to the respondent.

8. Having stated the above, it is also relevant to observe that although the nature of the information as sought by the respondent is discernable, some of the queries as stated in the application dated 04.09.2014 are ambiguous and do not indicate the precise information sought by the petitioner.

9. In the circumstances, the respondent is directed to examine the information sought for by him and if necessary reword the same so that the same can be easily comprehended. The respondent shall file a typed application clearly indicating the information sought for by him within a period of two weeks from today. The petitioner shall respond to the same within a period of four weeks of receipt of such application.

10. The petition is disposed of in the aforesaid terms.

11. At this stage, Mr Rao as well as the respondent states that it would be apposite if the parties are referred to mediation. In this view, it is directed that the parties/their representatives would appear before Delhi High Court Mediation and Conciliation Centre on 05.03.2018 at 3.00 p.m. and endeavour to resolve their disputes amicably.

VIBHU BAKHRU, J

JANUARY 12, 2018

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