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

+ W.P.(C) 10845/2015

NARESH GOYAL

..... Petitioner

Through Dr.Brahm Dutt, Adv. With Mr.Vivek
Kumar, Adv.

versus

CPIO GRAMIN VIKAS TRUST

..... Respondent

Through Mr.Om Prakash, Adv. With Mr.R.R.
Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.10.2018**

1. The petitioner has filed a present petition impugning an order dated 15.05.2015 passed by the Central Information Commissioner (CIC) whereby the petitioner's complaint regarding the denial of information was rejected.
2. A plain reading of the impugned order indicates that the CIC had rejected the petitioner's complaint on the ground that he had not appeared before the CIC at the scheduled hearing. The CIC inferred that the petitioner's non-appearance and non-filing of the requisite documents indicated that he was not interested in pursuing his case.
2. Dr Brahm Dutt, the learned counsel appearing for the respondent submits that the petitioner is a whistle blower and is very much interested in pursuing his complaint but could not appear on that particular date. He further, submits that the petitioner had also filed the documents, which were

ignored.

3. The learned counsel appearing for the respondent no.1 submits that the respondent no.1 is not a 'public authority'. He has also drawn the attention of this Court to an order dated 18.02.2015 passed by the CIC in the case of ***Sampat Kumar Sharma vs. The Private Authority Gramin Vikas Trust*** (File No.CIC/KY/A/2014/001041) whereby the CIC has held that respondent no.1 is not a public authority.

4. Dr Dutt, contends that the petitioner had no opportunity to persuade the CIC to rule otherwise. He earnestly contends that if an opportunity was granted to the petitioner, he could have persuaded the CIC to take a different view or to refer the question to a larger Bench.

5. In the facts of this case, this Court is of the view that the petitioner should be given one more opportunity to present its case.

6. The impugned order is, accordingly, set aside and the matter is remanded to the CIC to consider afresh after affording the petitioner an opportunity to be heard. It is clarified that if the petitioner does not appear before the CIC on the date of hearing so fixed, the CIC would be at liberty to summarily dismiss the petitioner's complaint.

7. It is also clarified that this Court has not expressed any opinion as to whether respondent no.1 is a public Authority within the meaning of section 2(h) of the Right to Information Act, 2005.

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

VIBHU BAKHRU, J

OCTOBER 10, 2018/ab