

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 784 of 2013

- State Of Chhattisgarh Through The Secretary Mineral Resources Deptt. Mantralaya, Mahanadi Bhawan, Naya Raipur, Post And Police Station Mandir Hasod, Raipur C.G.

---- Petitioner

Versus

1. Chhattisgarh State Information Commission, Through The Commissioner, C.G. State Information Commission, Nirmal Chhaya Bhawan, Mira Datar Road, Shankar Nagar, P.S. Civil Lines, Raipur C.G.
2. The Deputy Secretary, State Information Commission C.G., Nirmal Chhaya Bhawan, Mira Datar Road, Shankar Nagar, P.S. Civil Lines Raipur C.G.
3. Shri Rakesh Mittal S/o Radhe Shyam Mittal, R/o Main Road Pratappur, P.S. And Tahsil Pratappur, Distt. Surguja C.G.

---- Respondents

For Petitioner	:-	Shri Jitendra Pali, Dy. A.G.
For Respondent No.3	:-	Shri V.K. Pandey, Advocate

Order On Board ByHon'ble Justice Shri Prashant Kumar Mishra05/03/2019

1. The impugned order passed by the State Information

Commission imposing cost by way of damages upon the appellant suffers from inherent contradiction, inasmuch as having recorded the findings that proceedings drawn and order passed by the First Appellate Authority does not suffer from any infirmity, the Commission could not have imposed cost on the petitioner. For imposing cost or award damages there has to be a finding that the impugned order has been passed illegally and arbitrarily.

2. Therefore, once it is found that the First Appellate Court has not committed any illegality, there was no occasion for the Commission to impose cost on the petitioner.
3. Consequently, the impugned order only in respect of imposition of cost deserves to be and is hereby set aside.
Parties to bear their own cost.

Sd/-
Prashant Kumar Mishra
Judge

Ankit