

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.3532 OF 2014

Azizbhai S/o Abdul Kadir Shaikh

...PETITIONER

VERSUS

The State Public Information Officer,
Mumbai and others

...RESPONDENTS

.....
Shri P.V. Jadhavar h/f Mr. S.S. Dixit, Advocate for petitioner
Shri S.N. Morampalle, A.G.P. for State
Shri D.R. Kale Patil advocate for respondent No.3
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CORAM: T.V. NALAWADE J.

DATED : 15th February, 2019.

ORAL ORDER :

1 The instant petition is filed to challenge the order of the State Commission created under the provisions of Right to Information Act, 2005 by which the State Commission has directed the respondent - Information Officer to pay the penalty of Rs.10,000/- .

2 It is the contention of the petitioner that as per the provisions of Section 20 of the aforesaid Act, penalty is a fixed amount and the State Commission or appellate authority has no jurisdiction either to reduce or enhance the amount of penalty mentioned in section 20.

3 The submissions made show that information was sought from Information Officer of Cooperative Department of the State Government with regard to compliance of the order made by this Court at principal seat in Writ Petition No.1206/97 (Maharashtra Certified Auditors Association and another versus The State of Maharashtra and others.). The information Officer supplied the information as 'nil' and it was supplied late, only after the decision given by the appellate authority. As there was non-compliance of section 7 of the Act, the State Commission has imposed the aforesaid penalty.

4 Submissions made show that the Information Officer from Mumbai was to supply information with regard to compliance of the decision given by this Court at Principal Seat. Due to this circumstance, this Court holds that the present petition cannot be considered and decided at this bench as local jurisdiction of this Bench does not include Mumbai.

5 Learned counsel appearing for the petitioner placed reliance on the observations made by Apex Court in case of **Naval Kishore Sharma versus Union of India (UOI) (reported in 2014(9) SCC 329)**. The facts of that case were different. The Apex Court has laid down that for entertaining the proceedings in a particular High Court,

the cause of action must have been taken within the local limits. The cause of action means every fact which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a Judgment of the Court. There cannot be dispute over that ratio. In view of the peculiar facts of the present matter, this Court holds that this Court has no jurisdiction to decide the matter.

6 Disposed off as not tenable before this bench.

(T.V. NALAWADE)
JUDGE

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