

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 316 OF 2019

CENTRAL PUBLIC INFORMATION OFFICER
ADDITIONAL GM (ADMN) BSNL OFFICE
OF PGM TD (TELECOM) AND ANR.,

... Petitioners

Versus

SUNANDA ASHOK PATIL AND ANR.,

... Respondents

Mr. P.P. Singh, Advocate for the Petitioners.
Mr. A.D. Bhobe with Ms. Kalpa Govekar, Advocates for the
Respondents.

Coram:- C. V. BHADANG, J.

Date:- 4th June 2019

ORAL ORDER:

Heard Mr. Singh, the learned Counsel for the petitioners
and Mr. Bhobe, the learned Counsel for the respondents.

2. By this petition, the petitioners are challenging the order dated 29.05.2018, passed by the Central Information Commission (Commission, for short), by which, the Commission has recorded a statement on behalf of the petitioners (respondents before the Commission) that a copy of the tender/agreement were not signed by both the parties during the period of tender and therefore, incomplete documents could not be forwarded. In para 5 of the impugned order, the Commission has further recorded a statement on behalf of the petitioners that they will reconstruct the tender file with the help of the

respondents (who will supply to the petitioners the relevant documents) and inform the respondents the factual position in the matter, within 15 days.

3. On 02.04.2019, this Court had issued a notice keeping the issue of delay and laches and the aspect of the impugned order being passed on the basis of the statement as recorded in para 5 of the impugned order, open.

4. The contention raised by Mr. Singh, the learned Counsel for the petitioners is that the hearing before the Commission was conducted via video conferencing and no statement, as recorded in para 5 of the impugned order, was made before the Commission. Secondly, it is contended that even otherwise, the Commission could not have passed any such order. Except this, there are no other contentions raised.

5. I have considered the submissions made and it is not possible to accept the contentions as raised. Firstly, there is clear delay and laches in approaching this Court, which itself would be sufficient for refusing to entertain this petition. Secondly, if at all the petitioners had not made any such statement as recorded in para 5 of the impugned order, it was for the petitioners to point out this to the Commission, at the earliest and to seek modification of the order.

6. It is a settled position that, if a party claims that a particular statement in the order has incorrectly been recorded and that such a statement was never made, the party has to bring this to notice of the concerned Court/Authority and to seek clarification/modification of the order. It is not possible to examine such a contention in this petition and that too, after more than seven months after passing of the impugned order.

7. That apart, all that the Commission has directed is the reconstruction of the file and then to supply the information. Such an order, appears to be within the competency of the Authority under the Right to Information Act.

8. For this reason, I decline to interfere with the impugned order. The petition is accordingly dismissed, with no order as to costs.

C. V. BHADANG, J.

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