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

+ W.P.(C) 4341/2011, CM Nos. 8890/2011, 12845/2011 & 51070/2018

MUMBAI INTERNATIONAL AIRPORT PVT LTD

AND ANR

..... Petitioners

Through: Mr. Rajiv Nayar, Sr. Adv. with
Ms. Ekta Kapil & Mr. Kumar Dutt,
Advts.

versus

SANJAY RAMESH SHRIRODKAR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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17.05.2019

1. In the present petition, petitioner Mumbai International Airport Pvt. Ltd. (MIAL) assails the order dated May 30, 2011 passed by the Central Information Commission (CIC in short) whereby it decided the issue “*whether or not the (MIAL) is a public authority under the RTI Act, 2005 (Act in short)*”. The issue was decided in the affirmative by holding that the MIAL is a public authority.

2. The only submission made by Mr. Rajiv Nayar, learned Sr. Counsel appearing for the petitioners is that in view of the subsequent decision of the CIC in the case of *Satya Prakash Rathee v. Delhi International Airport*

Ltd. & Ors, which relates to Delhi International Airport (*DIAL*), which according to Mr. Nayar is also similarly situated like the petitioner herein, the impugned order must be set aside and the matter be remanded back to the CIC for a fresh consideration of the issue.

3. Mr. Nayar also states that the Commission while deciding the issue in the case of DIAL and holding that it is not a public authority has not referred to the Judgment given in the case in hand, i.e., of MIAL, but had relied upon the Judgement of the Supreme Court in the case of *Thalappalam Service Cooperative Bank Ltd. and Ors. v. State of Kerala and ORs. 2013 16 SCC 82*. In substance, it is the submission of Mr. Nayar that in view of the subsequent decision of the CIC in the case of DIAL, the issue requires reconsideration for which the matter be remanded back. In fact he states an application has been filed by the petitioners seeking remand of the matter to the CIC.

4. I note the respondent was being represented by Mr. A. Rasheed Qureshi, Adv. There was no representation for the respondent on April 15, 2019 and even today. Even the written submissions, as were directed to be filed by the respondent have not been filed. I also find, there is no representation for CIC even though an application for impleadment filed, is

pending.

5. Having heard, Mr. Nayar, I note that the CIC in the case of *Satya Prakash Rathee (supra)* has held that the respondent DIAL does not come under the purview of Section 2 (h) of the Act and while holding so, it has referred to the judgment of the Supreme Court in the case of *Thalappalam Service Cooperative Bank Ltd. and Ors. (supra)*. It is the submission of Mr. Nayar that the MIAL is also similarly placed like DIAL. Noting the submission and without opining, this court is of the view that appropriate shall be to remand the matter to the CIC for fresh consideration of the issue in accordance with law.

6. Accordingly, impugned order is set aside and the matter is remanded back to the CIC for a fresh consideration of the issue whether MIAL is a public authority within the meaning of Section 2 (h) of the Act. While doing so, CIC shall hear the respondent herein as well. The issue being of importance, it shall be appropriate that the same is decided as expeditiously as possible, but within a period of three months as an outer limit. It is made clear that this court has not expressed itself on the merit of the issue, which shall be considered by the CIC.

With the above, the writ petition and the application being CM. No.

51070/2018 are disposed of.

CM. Nos. 8890/2011 and 12845/2011

These applications have become infructuous and dismissed as such.

V. KAMESWAR RAO, J

MAY 17, 2019/jg