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

Date of decision: 7th February, 2020

+ LPA No. 74/2020

VED PRAKASH AGGARWAL Appellant

Through: Appellant in person

versus

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE, UNION OF INDIA & ORS

..... Respondents

Through: Ms. Monika Arora, CGSC with Mr.
Harsh Ahuja and Mr. Kushal Kumar,
Advs. for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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07.02.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM Appl. No.4948/2020 (exemption)

Allowed, subject to all just exceptions. Application is disposed of.

CM Appl. No. 4949/2020 (condonation of delay)

This application has been preferred under Section 5 of the Limitation Act for condonation of delay of 35 days in preferring the Letters Patent Appeal.

Having heard counsel for both the sides and looking to the reasons stated in this application, there are reasonable reasons for condonation of delay. We, therefore, condone the delay in preferring the Letters Patent Appeal. This application is allowed and disposed of.

LPA No. 74/2020

1. This Letters Patent Appeal has been preferred by the appellant (original petitioner), whose writ petition being WP(C) No. 7057/2019 was dismissed by the learned Single Judge vide judgment and order dated 19th November, 2019 whereby the order dated 28th May, 2019 passed by the Central Information Commission was not interfered with by the learned Single Judge. Being aggrieved and feeling dissatisfied with the order dated 19th November, 2019 passed by the learned Single Judge, appellant (original petitioner) has preferred this Letters Patent Appeal.

2. Having heard Appellant In Person, it appears that he had preferred an application for getting information on 14th September, 2017. The information sought for was about the orders passed by the National Green Tribunal in OA no. 177/2013 in a case pending between Sunil Raghav vs. State of U.P. & Ors. Similarly, the appellant had sought for information of an order dated 20th September, 2016 of the National Green Tribunal in MA No. 640/2013 between the Sunil Raghav Vs. State of U.P. & Ors. This appellant had also asked for the copies of affidavits alongwith enclosed annexure before the National Green Tribunal in the aforesaid matters.

3. It further appears from the fact that an application was preferred before the Ministry of Environment, Forest and Climate Change, which has re-directed the same to the concerned Central Public Information Officer, National Green Tribunal.

4. It further appears from the facts of the case that the Central Public Information Officer, National Green Tribunal rejected the aforesaid application of this appellant *vide* order dated 31st May, 2018.

5. Being aggrieved and feeling dissatisfied by the aforesaid order of Central Public Information Officer, National Green Tribunal, first appeal

under Section 19(1) of the Right to Information Act, 2005 was preferred by this appellant being FAA No.19/2018/1582 which was dismissed vide order dated 13th August, 2018.

7. Being aggrieved by the aforesaid order passed by the First Appellate Authority, this appellant preferred a second appeal under Section 19(3) of the Right to Information Act, 2005 before the Central Information Commission. This second appeal was also dismissed by the Central Information Commission vide order dated 28th May, 2019 (Annexure P-8 to the memo of this LPA). While passing the aforesaid order dated 28th May, 2019, Central Information Commission has made some passing observations against the Public Information Officer, which are at page 118 to the memo of this LPA.

8. Being aggrieved and feeling dissatisfied by the order of the Central Information Commission dated 28th May, 2019 (Annexure P-8), a writ petition being WP(C) No. 7057/2019 was preferred by this appellant, which was dismissed by the learned Single Judge vide judgment and order dated 19th November, 2019 and hence, the appellant has preferred the present Letters Patent Appeal with the following prayers:-

“(i) set aside the impugned Judgment /Order dated 19.11.2019, passed by Hon'ble Mr. Justice Jayanth Nath, Delhi High Court Writ Petition (C) No. 7057 of 2019 to the extent the Ld. Single Judge failed to realize that central information commission has issued a warning through respondent no 3 to respondent no 2 without any identified reason.

(ii) Issue direction central information commission respondent no. 5 to identify the correct CPIO for the purpose of issuing warning.

(iii) pass any such order or directions as this Hon'ble court may in the facts and circumstances of the present case deem fit and proper in favour of the appellant and against the respondent.”

9. In view of the aforesaid prayers of the appellant, it appears that the appellant is aggrieved by the order of the learned Single Judge only to the extent that the Central Information Commission had wrongly given a warning to the respondent no. 2. Thus, the appellant is in fact aggrieved only because of some remarks made by the Central Information Commission in its order dated 28th May, 2019 (Annexure P-8) against the respondent no. 2.

10. Even if the wrong remarks are made by the Central Information Commission against the respondent no. 2, the respondent no. 2 can always challenge the same before the appropriate forum in accordance with law. Respondent no. 2 is capable of availing legal recourse in this regard. The appellant cannot espouse the acts of the respondent no. 2. Hence, we see no reason to entertain this Letters Patent Appeal.

11. As far as merit of the case is concerned, it appears that the appellant was in search of orders dated 20th September, 2016 passed by the National Green Tribunal in OA No. 177/2013 as well as order passed by the National Green Tribunal in MA no. 640/2013.

12. Looking to the order passed by the Central Public Information Officer dated 31st May, 2018, and order dated 13th August, 2018 (page 92) passed by the First Appellate Authority as well as order passed by the Second Appellate Authority dated 28th May, 2019 (Annexure P-8), we see no reason to interfere with the orders passed by these authorities as orders of the National Green Tribunal, which are required to be sought through RTI by the appellant, have already been uploaded, which can easily be downloaded

from its official website. Thus, information is already available to the public at large including this appellant. Moreover, if this appellant is in search of certified copies of aforesaid orders passed by the National Green Tribunal in OA No. 177/2013 and MA no. 640/2013, the appellant can always apply for the certified copies before the National Green Tribunal in a proscribed manner with payment of necessary fee. These aspects of the matter have been properly appreciated by the learned Single Judge while deciding WP(C) No. 7057/2019 vide judgment and order dated 19th November, 2019 and we see no reason to take another view than what has been taken by the learned Single Judge. Hence, on merit also, we see no reason to entertain this Letters Patent Appeal.

13. Accordingly, there is no substance in this appeal and the same is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 07, 2020

r.bararia