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

% *Date of Decision:- 10th June, 2020*

+ W.P.(C) 3441/2020

DR. SURENDER SINGH HOODA Petitioner
Through: Mr.Narender Hooda, Sr.Adv.
with Mr.Aditya Hooda, Adv.
Versus

PRIME MINISTER'S CITIZEN ASSISTANCE AND RELIEF
IN EMERGENCY SITUATIONS FUND Respondent
Through: Mr.Tushar Mehta, SG with
Ms.Maninder Acharya, ASG; Mr.Kirtiman
Singh, CGSC; Mr.Rohan Anand, Mr.Viplav
Acharya, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

1. Proceedings of the matter have been conducted through video conferencing.
2. Learned counsel for the petitioner has taken this Court to the prayers in this writ petition which are as under:-

“In the aforesaid premises it is therefore, humbly prayed that this Hon’ble Court may be pleased to admit this petition, call for the records and issue a rule calling upon the Respondent to show cause as to why a writ in the nature of :-

- a. Mandamus not be issue declaring the Respondent as “Public Authority” under Section 2(h) of the RTI Act, 2005; alternatively
- b. Mandamus not be issued directing the Respondent to disclose any information sought by the Petitioner or any other citizen of the country with respect to the source of

funds and the details of expenses made from the funds of the Respondent trust.

- c. Pass any other/further order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. This writ petition has been preferred as a public interest litigation. Learned counsel appearing for the petitioner submitted that for prayer (b) as stated hereinabove, no application has ever been preferred by the petitioner for seeking information under the Right to Information Act, 2005.

4. Now, the learned counsel appearing for the petitioner submitted that data regarding receipt and disbursement of funds in PM CARES Fund be uploaded on the PM CARES Fund website. However, there is no prayer made in this regard. The averments and prayers in the petition relate only to the question as to whether the PM CARES Fund is covered under the Right to Information Act, 2005. Thus, arguments as canvassed by the petitioner does not match the prayer made herein by the petitioner.

5. Furthermore, as no application has ever been preferred by the petitioner seeking information under the Right to Information Act, 2005 from the respondents, we therefore see no reason to entertain this writ petition at this stage as a public interest litigation.

6. At this stage, learned counsel appearing for the petitioner seeks leave to withdraw this writ petition with liberty to file a fresh petition with fresh prayers, averments, allegations with supporting annexures.

7. Accordingly, this writ petition is hereby dismissed, reserving liberty to the petitioner to prefer a fresh proceedings before appropriate Authority / Tribunal / Court in accordance with law, rules, regulations and the Government policy / policies applicable to the facts of the case. It is made clear that

we have not gone into the merits of the issues raised, and any such litigation/proceedings will be decided on its own merits.

CHIEF JUSTICE

PRATEEK JALAN, J

JUNE 10, 2020/‘*anb*’