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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 478/2018 & CM APPL. 29079/2019
SUNIL BHASIN Petitioner

Through Petitioner in Person.

versus

MANOHAR BALWANI Respondent

Through Mr. Jagdeep Kishore & Ms. Rekha
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **21.01.2020**

The instant contempt petition is founded on the premise that the respondents have wilfully disobeyed the directions given by the learned Single Judge vide its judgment/order dated 28.11.2017 in W.P. (C) 5252/2014 ***Power Finance Corporation Limited v. Sushma Singh and Ors.*** The substantive observations/directions given in the aforesaid judgment/order dated 28.11.2017, are as follows:

“17. The contention that CIC could not have issued directions to the petitioner to provide information available with the Ministry of Power is also merited. Plainly, the petitioner could only be called upon to provide information that is available with it and not any information available with any other public authority, which was not a party before the CIC.

18. In view of the above, the impugned order is not sustainable. In view of the conclusion, this Court does not consider it necessary to examine the contention whether the oral order communicated at the hearing held on 07.05.2014 was in fact in variance with the impugned order that was communicated subsequently.

19. For the reasons stated above, the impugned order is set aside.

20. It is clarified that this would not preclude respondent no.3 to file a separate application under the Right to

Information Act, 2005 indicating the specific information required by him. Needless to state that if such application is made, the petitioner shall consider the said application in accordance with law.

21. The petition and the pending application are disposed of.”

A perusal of the foregoing judgment/directions would show that the petitioner – respondent no. 3 in the writ petition was at liberty to file a separate application under the Right to Information Act, 2005 indicating the specific information required by him and in the event he did so, the Power Finance Corporation Limited was required to consider the said application in accordance with law.

It is the case of the petitioner that he had made such application but the desired information was still not provided. It may be so. In the event the concerned officer under the Right to Information Act did not provide the required information, the remedy available to the petitioner was to prefer an appeal thereagainst as provided for under the Right to Information Act.

Taking into account the totality of facts and circumstances, this Court does not find any reason to proceed further in the instant proceedings. The petition stands disposed of accordingly alongwith pending application, if any.

A. K. CHAWLA, J

JANUARY 21, 2020

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