



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24681 of 2021

M/s.Menon Technical Services Pvt. Ltd.,
Represented by its Director Mr.K.K.Menon,
305, B-Block, Mittal Towers, M.G.Road,
Bangalore- 560 001

... Petitioner

-Vs-

The Joint Commissioner of Customs,
First Appellate Authority under the RTI Act, 2005
Custom House, No.60, Rajaji Salai,
Chennai-600 001.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order No.4/2021 dated 04.08.2021 passed in F.No.RTI/Appeal/04/2021-AM-II by the respondent and quash the same and further direct the respondent to hear the appeal dated 29.06.2021 of the petitioner filed under Section 19 under the RTI Act, 2005 on merits,

For petitioner : Mr. Hari Radhakrishnan

For Respondent : Mr. A.P. Srinivas
Senior Standing Counsel

O R D E R

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order No.4/2021 dated 04.08.2021 passed in F.No.RTI/Appeal/04/2021-AM-II by the respondent and quash the same and consequently directing the respondent to hear the appeal dated 29.06.2021 filed under Section 19 under the Right to Information Act, 2005 [hereinafter referred to as 'the RTI Act' for short] by the petitioner.

2. The facts of the case are as follows:

The petitioner company is engaged in importing



WEB COPY

and trading processing machines used in the food industry. The petitioner has been filed the RTI application dated 26.03.2021 and sought information from the Central Public Information officer, who in turn rejected the claim of the petitioner stating that the information pertains to quasi judicial proceedings and is a sub-judicial matter. Hence, cannot be provided information under the RTI Act, 2005. Challenging the said proceedings dated 29.04.2021, the petitioner has filed an appeal before the respondent on 29.06.2021, which was rejected on the ground that the appeal has been filed along with delay without sufficient cause. Aggrieved over the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that admittedly the petitioner's claim was rejected by the Central Public Information Officer on 29.04.2021. Against the said order, the petitioner filed the first appeal before the respondent with delay.

4. However, due to Covid-19 pandemic, the Hon'ble Apex Court in suo motu petition, extended the interim orders from 23.03.2020 to 08.03.2021 and the Hon'ble Apex Court, vide order dated 09.07.2021, extended the interim order until further orders. Without considering the Hon'ble Apex Court dictum, the respondent has mechanically rejected the petitioner's appeal, which was unsustainable and on the sole ground alone, the first appeal has to be restored for fresh consideration. Hence, this Court may allow this writ petition by remitting the matter back to the file of the respondent.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. If this writ petition is taken up for disposal, there is no prejudice caused to the respondent, and hence, the appearance of the respondent is dispensed with.

6. The relevant portion of the order of the Hon'ble Supreme Court are as follows:

' ' We also take judicial notice of the fact that the steep rise in Covid-19 virus cases is no limited to Delhi alone but it has engulfed the entire nation. The extraordinary situation caused by the sudden and second outburst of Covid-19 virus, thus, requires extraordinary measures to minimize the hardship of litigant-public in



WEB COPY

all the states. We, therefore, restore the order dated 23.03.2020 and in continuation of the order dated 08.03.2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings whether condonable or not, shall stand extended till further orders.''

7. On a perusal of the above order of the Hon'ble Supreme Court, due to pandemic situation and in order to minimise the hardship of the litigant public in all States of India, passed the order dated 23.03.2020 and in continuation of the order dated 08.03.2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings whether condonable or not, shall stand extended till further orders. The said order was passed by the Hon'ble Apex Court on 19.07.2021.

8. The petitioner filed an appeal well within the above said period i.e. on 29.06.2021. Applying the ratio laid down by the Hon'ble Supreme Court, this Court is inclined to quash the impugned order passed by the respondent and the appeal filed by the petitioner is restored and remitted back to respondent for fresh consideration. The respondent shall pass appropriate orders on merits and in accordance with law within a period of six(6) weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Rli

To

The Joint Commissioner of Customs,
First Appellate Authority under the RTI Act, 2005
Custom House, No.60, Rajaji Salai,
Chennai-600 001.

W.P.No.24681 of 2021

GSM(CO)
GN(17/12/2021)