

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12569 OF 2022

Narendra Kumar Mohanty **Petitioner**

Mr. Janaki Nanda Mohapatra, Advocate
on behalf of Mr. Susanta Kumar Nayak, Advocate

-versus-

State of Odisha and others **Opp. Parties**

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opp. Party Nos.1 and 3)

Mr. Bijay Kumar Dash, Advocate
along with Ms. Soniashree Behera, Advocate
(For State Information Commission)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
11.08.2022

Order No.

4. 1. This matter is taken up through hybrid mode.
2. Ms. Behera, learned counsel files Vakalatnama of Mr. Dash, learned counsel and his associates who usually appears for the State Information Commission.
3. The Petitioner in this writ petition seeks to assail the order dated 22nd December, 2021 passed by the Odisha Information Commission, Bhubaneswar in Second Appeal No.992 of 2016, whereby the Petitioner has been imposed with a penalty of Rs.25,000/-.
4. Mr. Mohapatra, learned counsel being authorized by Mr. Nayak, learned counsel for the Petitioner submits that Opposite Party No.5, namely, Abutar Khan had sought for an information by filing Form-A application on 14th July, 2015 before Public Information Officer of the office of Director of

Higher Education, Bhubaneswar. Three From-A applications dated 22nd May, 2015, 30th May, 2015 and 14th July, 2015 were also submitted to the P.I.O., Shri Jagannath Sanskrit Vishwa Vidyalaya, Puri and From-A application dated 1st December, 2015 was submitted to the P.I.O., A.K.R. Sanskrit Maha Vidyalaya, Jajpur.

5. Upon receipt of the application, the Information Public Officer, Shri Jagannath Sanskrit Vishwa Vidyalaya, Puri had transferred the same to the P.I.O A.K.R. Sanskrit Maha Vidyalaya, Jajpur for supply of information directly to the Applicant-Opposite Party No.5. The first appellate authority of Shri Jagannath Sanskrit Vishwa Vidyalaya, Puri had transferred Form-D application to the first appellate authority A.K.R. Sanskrit Maha Vidyalaya, Jajpur after due hearing of P.I.O. as well as Opposite Parties.

6. Mr. Mohapatra, learned counsel appearing for the Petitioner submits that due to heavy flood, the records of A.K.R. Sanskrit Maha Vidyalaya, Jajpur were washed away. Hence, the information could not be provided in time. It is his submission that the said fact was known to the Opposite Party No.5 as it was widely published in the newspaper and in other forms of media. The Commission without considering the same has imposed the penalty of Rs.25,000/- on the Petitioner for delayed supply of information.

7. Ms. Behera, learned counsel along with Mr. Dash, learned counsel for the Information Commission on the other hand submits that the said fact could have been intimated to the

Opposite Party No.5 by the Petitioner within the time after receipt of the Form-A application. That having not been done, the Commission has committed no error in imposing penalty on the Petitioner.

8. Taking into consideration the submission made by learned counsel for the parties and on perusal of the record, this Court finds that the Petitioner himself admits delayed supply of information, of course, on the ground that record was washed away due to heavy flood. Said fact of loss of record due to heavy flood could have been supplied to the Applicant-Opposite Party No.5 in due time. The provision of R.T.I. Act, 2005 has provided timeline to supply information. Deviation from the timeline itself is deplorable. Thus, the Commission has committed no error in imposing the penalty of Rs.25,000/- on the Petitioner for delayed supply of the information.

9. In view of the above, I find no infirmity in the impugned order.

10. Accordingly, this writ petition being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge