

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 19372 OF 2022

Pranati Chinhara

....

Petitioner

Mr. Shivsankar Mohanty, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(Opposite Party No.1)

Mr. B.K. Dash, Advocate
(For State Information Commissioner)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
21.09.2022**

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 21st June, 2022 (Annexure-12) passed by the State Information Commission in Second Appeal No. 905 of 2019, wherein a penalty of Rs.25,000/- has been imposed on the Petitioner for willful obstruction of supply of information to the Opposite Party No.6.
3. It is submitted by learned counsel for the Petitioner that pursuant to the notice to show cause, the Petitioner had submitted her reply on 26th April, 2022 (Annexure-11), which was received by the Receiving Officer of State Information Commission, Bhubaneswar. But, due to non-appearance of the Petitioner on the date fixed, she could not bring it to the notice of the Commission, for which the impugned order has been passed imposing penalty

on her. He, therefore, prays for a direction to set aside the impugned order imposing penalty on the Petitioner by the Commission and to give her an opportunity of hearing in the matter of imposition of penalty.

4. Mr. Dash, learned counsel appearing for the State Information Commission submits that he has no instruction as to whether the Petitioner had, in fact, submitted her reply on 15th April, 2022. However, it appears from Annexure-11 that there is a seal and signature of receiving Officer of State Information Commission, Bhubaneswar on 26th April, 2022. If that be so, the Petitioner may be given an opportunity of hearing before imposition of penalty on her.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that the State Information Commission, Bhubaneswar shall give the Petitioner an opportunity of hearing in the matter of imposition of penalty by taking into consideration her explanation stated to have been submitted on 26th April, 2022. Accordingly, the impugned order under Annexure-12 imposing penalty on the Petitioner is set aside and the matter is remitted back to the State Information Commission, Bhubaneswar to adjudicate the matter of imposition of penalty afresh. In the event the Petitioner appears before the State Information Commission on 10th October, 2022 along with certified copy of this order, she shall be given an opportunity of hearing in the matter of

imposition of penalty on consideration of her explanation/reply stated to have been submitted on 26th April, 2022.

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

(K.R. Mohapatra)
Judge

bks

