

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 28274 OF 2022

Manoranjan Sahoo

.... Petitioner

Ms. Sarada Dash, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Bijay Kumar Dash, Advocate

(For Odisha Information Commission)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

04.11.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Odisha Information Commission, Bhubaneswar to dispose of Second Appeal filed by him on 1st February, 2022.
3. It is submitted by Ms. Dash, learned counsel for the Petitioner that in view of Section 19(6) of Right to Information Act, 2005 (for short 'the Act'), the appeal before the Commission should be disposed of within a period of thirty days or within such extended period not extending a total of 45 days from the date of filing of the appeal. Although the appeal is filed since 1st February, 2022 and in the meantime, 45 days have already been passed, no endeavour has been made by the Commission for disposal of the appeal. Hence, this writ petition has been filed.
4. Mr. Dash, learned counsel for the Commission submits that Section 19(6) of the Act is not applicable to the Second Appeal filed under Section 19(3) of the Act. It only applies to

the appeal filed under sub-section (1) or sub-section (2) of Section 19 of the Act. Thus, the contention of learned counsel for the Petitioner is not sustainable.

5. Upon hearing learned counsel for the Petitioner and on perusal of the writ petition, this Court is not clear about the stage of the appeal. It is also not clear as to whether the defects, if any, in filing the appeal have been removed or not. Further, Section 19(6) of the Act has no application to a second appeal filed under Section 19(3) of the Act.

6. In view of the above, it is very difficulty on the part of this Court to entertain the prayer made by learned counsel for the Petitioner.

7. This writ petition is accordingly disposed of with an observation that the Petitioner, if so advised, may pursue his matter before the Commission.

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

(K.R. Mohapatra)
Judge

bks