

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30431 OF 2022

Malaya Ranjan Chinara and another* *Petitioners

Mr. Bijaya Kumar Parida-2, Advocate

-versus-

***Odisha Information Commission,* *Opp. Parties*
Bhubaneswar and another**

Mr. Bijaya Kumar Dash, Advocate
(For Opp. Party No.1)

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

ORDER

19.12.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioners in this writ petition seek to assail the order dated 19th July, 2022 passed by the Odisha Information Commission, Bhubaneswar in Second Appeal No.643 of 2019, whereby the Commission by exercising power under Section 20(1) of the Right to Information Act, 2005 (for short 'the Act') directed the Petitioners to pay the penalty of Rs.8,000/- within one month from the receipt of the order.
 3. Mr. Parida, learned counsel for the Petitioners submits that an application in Form-A was filed for supply of the information of voluminous documents comprising 21440 pages by the Opposite Party No.2. Although the Opposite Party No.2 belongs to BPL category, but no sufficient fund was available with Block Development Office, Nuagaon Block in the district of Nayagarh at the relevant period for supply of information within the stipulated period. Hence, the Petitioner requested the Opposite Party No.2 to deposit a sum of Rs.42,880/- for supply of information comprising of 21440 pages. Part information has already been supplied to the Opposite Party No.2. However, the Commission

without considering the fact that no sufficient fund was available with the Block Officers for supply of such information imposed a penalty of Rs.8,000/-.

4. It is his submission that without the fee as aforesaid, information could not have been issued in favour of the Opposite Party No.2. Hence he prays for setting aside the impugned order and to exonerate him from payment of penalty.

5. Mr. Dash, learned counsel for the Commission submits that in view of Section 7(5) of the Act, no fee shall be charged from the person, who is Below Poverty Line for supply of information. The Petitioners were the Public Information Officer and referral PIO during the relevant period. As such, they could not have asked the Opposite Party No.2 to deposit such a huge amount for supply of information. Hence, learned State Information Commission has committed no error in imposing penalty, as aforesaid. As such, he prays for dismissal of the writ petition.

6. Considering the fact that the Opposite Party No.2 was a person Below Poverty Line and in spite of being aware of the same, the Petitioners asked the Opposite Party No.2 to deposit a huge amount of Rs.42,880/- for supply of information, this Court feels that no illegality has been committed by the Odisha State Information Commission in imposing such a meager penalty on the Petitioners in view of the provision under proviso to Section 7(5) of the Act.

7. Accordingly, this writ petition stands dismissed.

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

(K.R. Mohapatra)
Judge