

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 32747 OF 2022

Subash Chandra Pradhan ***Petitioner***
Mr. Kuresh Prasad Dash, Advocate
-versus-
State of Odisha and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
16.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 26th September, 2022 passed in Second Appeal No.3326 of 2018, whereby the Odisha Information Commission, Bhubaneswar imposed penalty of Rs.25,000/- on him in exercise of power under Section 20(1) of the Right to Information Act, 2005 (for short 'the Act').
3. Learned counsel for the Petitioner submits that upon receipt of notice, due to his health problem, the Petitioner could not appear before the Commission on the date fixed, but has sent show cause reply by registered post on 20th September, 2022. Without considering the same, the impugned order has been passed. He further submits that the applicant has already received the information sought for in Form-A. Hence, imposition of penalty on him may be re-considered.
4. On perusal of the impugned order, it appears that considering the fact that the Petitioner had retired by the time the

Second Appeal was taken up for consideration, notice to show cause for imposition of penalty under Section 20(1) of the Act was issued and the matter was adjourned to 25th September, 2022. In spite of valid service of notice, the Petitioner did not turn up to appear before the Commission and file his show cause.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this Court disposes of this writ petition with a direction that in the event the Petitioner appears before the Commission within a period of two weeks hence along with certified copy of this order and files an application to recall the order with regard to imposition of penalty on him, the same shall be considered in accordance with law, giving opportunity of hearing to the parties concerned.

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

bks

(K.R. Mohapatra)
Judge

