

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 WRIT PETITION NO.7286 OF 2019

**MUMTAJ JAHAN BASHIR SHAIKH DARUWALA
VERSUS
THE PRINCIPAL CHIEF SECRETARY LAW AND JUDICIARY DEPARTMENT
AND OTHERS**

...

Advocate for Petitioner : Mr. Bora Rupeshkumar C.

AGP for Respondent Nos. 1 to 4 : Mr. S.B. Yawalkar

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 05.08.2022.

PER COURT :

Heard both the sides.

2. The petitioner is aggrieved by dismissal of her complaint preferred under Section 18 of the Right to Information Act, 2005. Her appeal purportedly preferred under Section 19 was allowed by the State Election Commission and the information solicited by her was directed to be furnished. Since in spite of such a direction she was not furnished the information, she preferred a complaint under Section 18. However, it appears that the State Election Commission bench at Aurangabad by a communication dated 01.01.2019 informed her that there was a delay in filing the complaint and it was dismissed.

3. It is apparent that Section 18 empowers the Commissions to pass appropriate orders *inter alia* when a complaint is made on the ground that the information officer has refused to furnish information. We do not see neither the learned A.G.P. could point out any stipulation as to the time limit within which such a complaint can be made. It is to be borne in mind that

these are apparently the powers to execute the orders and issue appropriate directions and not in the nature of any appeal or revision.

4. If such is the state of affairs, the Commission ought not to have rejected the complaint on the ground of limitation. We, therefore, allow the writ petition and direct the respondent No. 2 -State Election Commission bench at Aurangabad to pass appropriate order on the petitioner's complaint dated 10.01.2018, as early as possible, and in any event, within eight weeks from today.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-