

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4376 OF 2008**

Shivaji s/o Madhavrao Borole
Age: 54 years., Occu.: Service,
R/o Khultabad, Tq. Khultabad,
Dist. Aurangabad. ..Petitioner

VERSUS

1. State Information Commission,
Bench at Aurangabad,
Subhedari Guest House, Ajintha Wing,
Aurangabad.
2. Superintending Engineer,
& Appellate Authority,
Minor Irrigation (Sthanik Sthar),
Aurangabad.
3. Sanjay s/o Yadavrao Waghchoure,
Age: 45 Yrs., Occu.: Agril,
R/o Vishal Niwas, In front of
Panchayat Samiti,
Yashwantnagar, Paithan,
Tq. Paitha, Dist. Aurangabad. ..Respondents

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Mr. S. S. Thombre, Advocate for the Petitioner.
Mr. A. S. Shinde, AGP for Respondents-State.
Mr. D. P. Palodkar, Advocate for Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 04th JANUARY, 2022.

ORAL JUDGMENT (Per: S. V. Gangapurwala, J.):—

1. The petitioner is assailing the order passed by the State Information Commission Bench at Aurangabad to the extent of imposing penalty upon him.

2. It is submitted by the learned counsel for petitioner that, the information as was sought by respondent no.3 is supplied. There was no delay on the part of the present petitioner. The petitioner was not aware of the application. The same was in the Inward Department. Immediately after the petitioner received notice from the Appellate Authority under Right to Information Act, the petitioner had supplied information. It is only on the ground that information was supplied after six months, penalty has been imposed upon the petitioner.

3. Mr. Palodkar, learned counsel for respondent no.3 submits that, intentional delay has been caused in providing the information and the information provided was also not complete. Considering the conduct of the petitioner and the other persons involved in not supplying information to respondent no.3, the State Information Commission has rightly imposed penalty. The penalty has to serve as a deterrent action to such officers not complying the provisions of the Right to Information Act.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. It appears that, the stand of the petitioner is that, the application was not placed

before him pursuant to which the information was sought by respondent no.3 and the same was in Inward Department and he got the knowledge only after he received notice from the Appellate Authority. On receiving the notice from the Appellate Authority, he immediately supplied the information. It appears that, the penalty is imposed on account of delay in supplying the information and not on account of incomplete information supplied.

7. The petitioner it appears, has also retired from the service.

8. Considering the explanation given by the petitioner, the impugned order to the extent of imposing penalty upon the petitioner is set aside.

9. Rule accordingly made absolute in above terms. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE