



W.P.No.17700 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.17700 of 2014

and

M.P.Nos.1 & 2 of 2014

All India Chess Federation,
TN Society – Regn.No.125/1958,
Represented by its Honorary Secretary,
Hall No.70, Jawaharlal Nehru Stadium,
Periampet, Chennai – 600 003.

... Petitioner

Vs

1.Central Information Commission,
Room No.308, B Wing,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi – 110 066.

2.Mr.Gurpreet Pal Singh

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the First Respondent culminated in CIC/LS/A/2013/001412/SH dated June 16, 2014 of the First respondent, Central Information Commission and quash the same.



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For Petitioner : Mr.A.K.Sriram

For Respondents :

For R1 : No Appearance

For R2 : Ms.Simran Srinivasan
for Mr.Sathish Parasaran

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus, to for the records of the First Respondent culminated in CIC/LS/A/2013/001412/SH dated June 16, 2014 of the First respondent, Central Information Commission and quash the same.

2. The facts on record indicates that the second respondent is a chess player and that he has sent an application under Section 6 of the Right to Information (RTI) Act, 2005 to the petitioner on 01.04.2013.

The information sought for by the second respondent are as under:-

“Sir,

Kindly provide me following information under Right to Information Act, 2005:

1. Kindly provide the list of cases filed by All India Chess Federation in High Court of Madras from 1.4.2004 till date. Also please provide date of filing of



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case and date of last hearing. Please also mention name of the signatory who signed the affidavit on behalf of AICF and the name of parties involved.

2. Kindly provide the list of cases filed by Delhi Chess Association (affiliate of ALL INDIA CHESS FEDERATION) in High Court of Madras from 1.4.2004 till date. Also please provide date of filing of case and date of last hearing. Please also mention name of the signatory who signed the affidavit on behalf of DCA and the name of parties involved.

3. Kindly provide the list of cases filed by Tamil Nadu Chess Association (affiliate of ALL INDIA CHESS FEDERATION) in High Court of Madras from 1.4.2004 till date. Also please provide date of filing of case and date of last hearing. Please also mention name of the signatory who signed the affidavit on behalf of TNCA and the name of parties involved.

4. If any case is not to be disclosed under RTI Act, 2005 Section 8(1)(b) please mention the case number only.

Please provide full point wise information without using threatening or abusive language otherwise this time matter will be reported to the Competent Authority.

3. The petitioner had given a reply to the second respondent dated 02.04.2013 and 03.04.2013 as follows:-

“Sir,

Sub:- Application u/s 6 of RTI Act, 2005

Ref: Your Letter dated 02.03.2013

Ques No.1.

Ans. The question relates to cheques sent by the applicant himself and as such the Federation has no reply to offer.



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Ques Nos.2, 3, 4, 5 and 6.

Ans. This is to bring to your kind attention that Para 9 of OM 1/4/2008-IRGOI/Min.Peronnel dated 25th April 2008 which states:

"Only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is not required under the Act to create information or to interpret information or to solve the problems raised by the applicants or to furnish to hypothetical questions"

The above position has been communicated to you more than once and you continue to raise questions under RTI which deserve no answer. By sending such letters you are deliberately undermining and abusing your right as a citizen under the RTI Act.

Ques No.7.

Ans. Matter is Subjudice.

Dear Sir,

Sub:- Application under RTI Act, 2005.

Ref: Your Letter dated nil.

Ques Nos.1, 2, 3 and 4.

Ans. The CPIO is of the opinion that there is no public interest served in furnishing these informations as per Section 8(1)(d) of the RTI Act, 2005."

4. Thereafter, the petitioner had sent another communication dated

21.05.2013 informed to the second respondent as follows:-

"Sir,

Sub:- Information sought under RTI Act.

Ref: (1) CPIO/AICF Letter

No.AICF/77/GPSingh/2013 dated

03.04.2013.



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(2) Your Letter dated 22.4.2013.

With reference to your letter cited I am to state after examining the points raised therein that the reply of CPIO is correct and no information in this regard can be furnished.”

5. Aggrieved by the same, the second respondent preferred an Appeal before the Central Information Commissioner, New Delhi, under Section 19 of the RTI Act, 2005. The first respondent, the Central Information Commission, New Delhi, had disposed the Appeal with the following observations:-

“2. We heard the submissions of the Appellant and the Respondents. The Appellant submitted that he was entitled to the information sought by him. On being asked about the grounds on which they had invoked Section 8(1)(d), the Respondents said that there was no larger public interest warranting the disclosure of this information. They did not put forth any grounds to establish that disclosure of this information would harm the competitive position of a third party, which is essential to invoke Section 8(1)(d). Since they have not established that disclosure of this information would harm the competitive position of a third party, consideration of whether larger public interest warrants the disclosure of this information is not relevant. Section 8(1)(d) cannot, therefore, be invoked in this case.”

6. Thereafter, by the impugned communication dated 16.06.2014 the Deputy Registrar has informed the Central Public Information Officer, All India Chess Federation (AICF) of the petitioner regarding



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the complaint received from the second respondent and the information furnished by the Central Public Information Officer vide letter dated 13.02.2014 bearing reference No.AICF/CIC/105/GPSingh/2014 pursuant to the Central Information Commission's order dated 24.01.2014, wherein, it has been stated as follows:-

“Sir,

The Commission received a complaint dated 18.2.2014 from Shri Gurpreet Pal Singh alleging that the information provided to him by the CPIO vide letter No.AICF/CIC/105/GPSingh/2014; dated 13.02.2014, pursuant to the Commission's order dated 24.01.2014 in the captioned case, is "false and misleading". He has also alleged that the respondents are concealing the information by taking the plea of non-availability of record.

2. The matter was examined in the Commission and it was observed that the fact of non-availability of records (in respect of Point Nos.1, 2 & 4 of appellant's RTI application of March, 2013) was not mentioned in the original reply dated 03.04.2013 of the CPIO. Therefore, this plea (of non-availability of records) at this stage sounds strange. In the circumstances, the Commission directs you to file a sworn affidavit before it affirming the fact that records related to information sought in Point Nos.1, 2 & 4 of appellant's RTI application of March, 2013 is not available with the public authority. The CPIO should submit this affidavit to the Commission within 2 weeks of receipt of this letter with a copy to the Appellant.”

7. The learned counsel for the petitioner submits that he has no instructions. However, he would further submit that the impugned order



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is liable to be quashed as the order is contrary to the provisions of the Right to Informations Act (RTI) Act, 2005.

8. Considering the fact that the petitioner has no instructions, I do not wish to delineate further. Therefore, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.11.2022

Index : Yes/No
Speaking/Non-Speaking Order

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C.SARAVANAN, J.

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To

Central Information Commission,
Room No.308, B Wing,
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New Delhi – 110 066.

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