



W.P(MD).No.19509 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.19509 of 2015

and

M.P(MD) No.1 of 2015

Central Public Information Officer,
Bharat Heavy Electricals Limited,
Trichy – 14.

... Petitioner

-VS-

1. Central Information Commissioner
Central Information Commission,
Room No.308, 2nd Floor,
August Kranti Bhawan
Bhikaji Cama Place,
New Delhi – 110 066.
2. Jaydeep Singh Yadav
MIG-1-533, HUDCO, Bhilai,
Durg, Chattisgarh – 490 026.
3. Simplex Engg. & Foundry Works Private Limited,
Represented by its Managing Director,
65, Industrial Estate,
Bhilai – 490 026.
4. Perfect Inspection Services,
265, Light Industrial Area,
Bhilai – 490 026.

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records comprised in CIC/SH/A/2014/002856/KY dated 07.10.2015 issued by the first respondent and quash the same as being arbitrary, illegal and contrary to the provisions of the Right to Information (“RTI”) Act, 2015.

For Petitioner : Mr.Raguvaran Gopalan

For R-1 : Mr.D.Saravanan

For R-3 : Mr.K.Saravanan

For R-2 & R-4 : No appearance

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, they have proceeded to pass orders on merits. The second respondent in the Writ Petition has sought for certain information from the writ petitioner. Admittedly, the said information relates to a contract entered into between the writ petitioner Public Limited Company and the third respondent contractor, in which, the fourth respondent had functioned as an Industrial Auditor. Therefore, it is clear that the information sought for by the second respondent relates to the



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third party information relating to the respondents 3 and 4 herein.

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2. The second respondent herein has sought for certain information from the writ petitioner. The reply was furnished by the writ petitioner herein, on 19.04.2014. The information seeker was not satisfied with the said reply and he had filed an Appeal before the Appellate Authority on 19.04.2014. The Appellate Authority passed an order on 06.01.2015. The petitioner, was not satisfied with the order passed by the First Appellate Authority. The information seeker had approached the first respondent, viz., the Central Information Commissioner. Before the Central Information Commission, neither the information seeker nor the writ petitioner were present. The first respondent Commission proceeded to pass orders on merits and they have allowed the RTI application filed by the Information Seeker. This order is under challenge by the Writ Petitioner.

3. A perusal of the query sought for by the Information seeker clearly reveals that they sought for the third party information relating to the respondents 3 and 4 herein. Whenever the first appeal or the second appeal was preferred relating to the third party information, the Central Information Commission is bound to follow Section 19(4) of Right to Information Act



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and give notice to the third parties before passing any orders.

4. In the present case, admittedly, no such notice was issued to the third parties, namely, the respondents 3 and 4 herein. Hence, the order passed by the first respondent is in clear violation of Section 19 (4) of Right To Information Act.

5. In view of the above said facts, the order impugned in the Writ Petition is set aside and the matter is remitted back to the file of the first respondent herein. The first respondent is directed to pass orders on merits and in accordance with law, after giving due opportunity not only to the writ petitioner but also to the respondents 2 to 4 herein.

6. With the above said observation, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

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Internet : Yes / No
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To

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