

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:02.02.2022

1. CWP No.23808 of 2021(O&M)

Manish Goel

.....Petitioner

Vs

Securities and Exchange Board of Indian and others

.....Respondents

2. CWP No.23837 of 2021(O&M)

Manish Goel

.....Petitioner

Vs

Securities and Exchange Board of Indian and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Mukul Goyal, Advocate
for the petitioner.

Mr. Manish Jain, Advocate
for respondents No.1 to 3.

Ms. Gehna Vaishanvi, Advocate
for respondent No.4.

(Proceedings through video conferencing)

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CWP No.23808 of 2021 titled Manish Goel Vs. Securities and Exchange Board of India and others and CWP No.23837 of 2021 titled Manish Goel Vs. Securities and Exchange Board of India and others are being disposed of.

Prayer in these petitions is for issuance of an appropriate writ in the nature of mandamus, directing the respondents to provide necessary information under RTI Act, which is pending in the form of second appeal before the Central Information Commission.

Learned counsel for the respondents collectively submit that there is no limitation provided under Section 19(3) of the Right to Information Act, 2005, obligating the Central Information Commission to decide the second appeal within a specified period.

Learned counsel for the petitioner, however, relies upon precedents of Karnatka High Court i.e. **Writ Petition No.28310-28311 of 2015** decided on 29.10.2015 to contend that the Central Information Commission can be obligated to decide the second appeal within a specific period.

Respondent No.4 has filed specific reply in the context of order dated 24.11.2021, submitting that the pending appeal

before the Central Information Commission cannot be decided in a specific period due to the reasons that lot of time would be required for listing these appeals due to the situation arising out of pandemic COVID-19. The second appeal in the present case was registered in the Central Information Commission in September 2021 and by that time, approximately 3100 appeals/complaints were filed before the said Commission, which are still pending. The appeals/complaints filed prior in point of time than the appeal filed by the present petitioner would take long time for listing. The petitioner has not made any request for early hearing of his appeal before the Central Information Commission. The precedents cited by learned counsel for the petitioner are of the period earlier to the commencement of COVID-19.

The present writ petitions are disposed of with a liberty to the petitioner to approach Central Information Commission for deciding his second appeal in accordance with law on some early actually date. In the event of filing such an application, I have no doubt that the concerned Commission would consider the prayer as per available schedule only in accordance with law, without being influenced by any statement of fact made hereinabove. Nothing shall be construed to be an observation on merits of the appeal before the Central Information

Commission.

Disposed of.

02.02.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No