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28.03.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 1230 of 2023

Malay Bhattacharya
-vs.-
The West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Goutam Banerjee,
Mr. Sandip Kumar Mondal
...for the petitioner

Dr. Madhusudan Saha Roy
...for the WBSEDCL

Mr. Raja Saha,
Ms. Arpita Saha,
Mr. Sanjay Mukherjee
...for the respondent no. 6

In view of there being no official at present, manning the second appellate authority under the Right to Information Act, 2005, the matter is taken up on merits by this Court.

Since the scope of the matter is extremely limited, although this Court has determination only to hear electricity matters, the matter pertaining to an alleged non-supply of information by the Distribution Licensee is being decided on merits on consent of parties.

The grievance of the petitioner is that the petitioner's application for information under Section 6 of the Right to Information Act, 2005, (RTI Act, 2005) was turned down by both the first authority as well as the first appellate authority. Against the said orders,

the petitioner has preferred a second appeal, which is now pending, not being heard due to the absence of the presiding officer of the said second appellate authority.

The ground on which the authorities below have refused to give the information sought by the petitioner was that those were personal in nature.

Learned counsel appearing for the State of West Bengal as well as the West Bengal State Electricity Distribution Company Limited (WBSEDCL) place reliance on Section 8 of the RTI Act, 2005, in particular, sub section (1)(j) thereof. The said provision stipulates that there shall be no obligation to give any citizen information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

However, in the present case, the petitioner, whose electricity supply was disconnected by the WBSEDCL, obviously being disgruntled with such disconnection, has taken out the application under Section 6 of the RTI Act. The information required in the said application is as follows:

“1. Attendance register of all casual and permanent employees under Mathurapur CCC from 01/04/2021 to 31/03/2022.

2. Call register of casual and permanent employees under Mathurapur CCC from 01/04/2021 to 31/03/2022 both mobile and landline which are billing name of WBSEDCL.

3. Electric supply status report mentioning with time (H.M.) Gram Panchayat wise from 01/04/2021 to 31/03/2022.

4. How many days electric supply discontinued for YASS cyclone period from dated 20th May to 20th June 2021.

5. Gram Panchayat wise and categorical new connection pending report which consumer are payment done up to 31/03/2022.

6. Car movement of station manager mentioning starting ending point with time dated from 01/09/2021 to 31/03/2022.

7. CCTV record of the office from 01/09/2021 to 31/03/2022.

8. Qualification with appointment letter of station manager with all casual and permanent employees under Mathurapur CCC from 01/04/2020 to 31/03/2022.

9. Qualification with appointment letter all casual and permanent employees of Kamdebpur Sub Station 01/04/2016 to 31/03/2022.”

It is clear from the above information sought by the petitioner, that the same pertains to entirely personal information of the WBSEDCL employees and has no connection whatsoever with either any public interest or any public activity. The petitioner has preferred the said application to fish out information with the obvious intention of finding loopholes and maligning the employees of the WBSEDCL. It is evident from the nature of questions, for example, as to

the details of the call register of both mobile and landline phones of all the casual and permanent employees of the concerned Customer Care Centre of the WBSEDCL and the car movement of the station manager mentioning starting and ending point with time from September 01, 2021 to March 31, 2022, none of which can have any bearing whatsoever with any interest of the petitioner or any public interest. The said application is patently *mala fide* and intrudes privacy of the WBSEDCL employees and, as such, was rightly rejected by both the first forum and the first appellate authority.

Hence, W.P.A. No. 1230 of 2023 is dismissed on contest with the observations as made above without, however, any order as to costs.

Needless to say, since the petitioner has pressed the hearing of the present writ petition on merits in view of the absence of the second appellate authority, the second appeal pending at the behest of the petitioner has been rendered infructuous and, is as such, treated to be dropped.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)