

17.05.2023
Ct. 5
D/L 31
ab

WPA 13708 of 2021
With
CAN 1 of 2022

The Howrah Municipal Corporation & Ors.
-Vs-
The West Bengal Information Commission & Ors.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder

... for the petitioners

Mr. Raja Saha,
Mrs. Arpita Saha,
Mr. Sanjay Mukherjee

... for the State Information Commission

Mr. Avijit Ghosh

... for the respondent no. 4

1. The petitioner no. 1, Howrah Municipal Corporation seeks an order of restraint on the respondent State Chief Information Commissioner not to give effect to an order dated 5th February, 2020 which was subsequently confirmed by three members of the State Information Commission on 12th February, 2021. The order was communicated on the relevant parties on 12th April, 2021.
2. By the impugned orders, the Commission awarded compensation of Rs. 30,000/- to be paid by the petitioners within six weeks from the receipt of the

order. The compensation was directed to be paid on the authority presumably being dissatisfied with the reply to the show cause issued by the Commission on the petitioners. The petitioners' reply of 5th March, 2020 significantly does not question the quantum of the award but only seeks clarification as to who will be responsible to pay the compensation.

3. The records before the Court are insufficient to come to any kind of conclusion on the factual aspect of the matter. Learned counsel appearing for the parties submit that the compensation was awarded on the delay on the part of the petitioners to supply the information sought for under the provisions of The Right to Information Act, 2005. The compensation was awarded under Section 19(8)(b), which deals with Appeals and empowers the Central Information Commission to require the public authority to compensate the complainant for any loss or other detriment suffered.
4. In the present case, the first order dated 5th February, 2020 of the State Chief Information Commissioner simply records that the appellant (private respondent before the Court) has submitted his written submission in respect of quantifying the claim for compensation. The Commission thereafter proceeded to award the compensation of Rs.

30,000/- to the private respondent. There is no basis as to how the figure of Rs. 30,000/- was arrived at by the State Chief Information Commissioner. The follow up order of 12th February, 2021 is even more bereft of reasons and simply reiterates the order of 5th February, 2020.

5. Doubtless, the Commission is statutorily empowered to award the compensation under Section 19(8)(b). The power conferred must, however, be accompanied by discretion expressed through reasons.
6. WPA 13708 of 2021 and the connected applications, if any, are disposed of with a direction on the respondent authorities to revisit the orders dated 5th February, 2020 and 12th February, 2021 and pass a reasoned order on the compensation to be awarded to the petitioners upon considering all relevant contentions of the parties.
7. The reasoned order shall be passed within three weeks from the date of communication of the order and a copy of the same shall be made available to the petitioners as well as the private respondent before the Court within a week from the date on which the reasoned order is passed.

(Moushumi Bhattacharya, J.)