

19.10.2023  
Item No.13  
RP/AN  
Ct. No.1

**MAT 1510 of 2023**  
+  
**IA No.CAN 1 of 2023**  
**Masrur Alam**  
**Vs.**  
**Canara Bank & Ors.**

Mr. Swarup Banerjee  
Mr. Arindam Chatterjee  
Md. Salman  
.....for the Appellant

Mr. Debottam Das  
Mr. Ayanabha Raha  
Mr. Omkar Ganguly  
.....for the respondents no.1, 2 and 3

Ms. Sima Adhikari  
Ms. Kakali Naskar  
..... for State respondent

1. This intra-Court appeal filed by the petitioner is directed against the order dated 17<sup>th</sup> July, 2023 passed in WPA 15490 of 2023. The writ petition was filed for a positive direction upon the respondents to furnish certain information under the Right to Information Act, 2005 (in short "Act"). The writ petition was dismissed by the impugned order, however, noting the facts that the writ petitioner has already approached the 2<sup>nd</sup> Appellate Court under the Act, it was observed that dismissal of the writ petition will not preclude the petitioner from pursuing such remedy.
2. It is submitted by the learned advocate for the appellant/writ petitioner that the second appeal

petition has been returned on four occasions by the Central Information Commission and last of such return was made on 1<sup>st</sup> August, 2023. The said return memo has been filed along with supplementary affidavit. On perusal of the same it is seen that the second appeal has been returned as time barred and that the appellant has not made any request for condonation of delay. Therefore, the appeal was returned for removal of deficiency. The appellant by way of filing a writ petition has sought for the same relief. Therefore, we are of the view that the learned Single Bench was right in dismissing the writ petition and no grounds have been made in the appeal for interference. However, taking note of the fact that the second appeal has been returned by the Central Information Commission on 1<sup>st</sup> August, 2023 we direct the appellant to represent the said appeal along with an application for condonation of delay within a period of three weeks from the date of receipt of the server copy of this order. If the deficiency and defects pointed out by the Central Information Commission is rectified and appropriate application is filed for condonation of delay then such application for condonation of delay shall be considered by the Central Information Commission on merits and in accordance with law as expeditiously as possible,

preferably within a period of eight weeks from the date on which the second appeal is presented in full form after removing the deficiency and defects.

3. The appeal and the connected application are, thus, disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**